



CITY COUNCIL
Regular Meeting – October 14, 2019 6:00 p.m.
Council Chambers

- I. CALL TO ORDER
- II. ROLL CALL
- III. PLEDGE AND PRAYER/MOMENT OF SILENCE – Council Member Upton
- IV. APPROVAL OF AGENDA
- V. APPROVAL OF MINUTES
 - A. September 9, 2019 Regular Meeting
 - B. September 12, 2019 Joint Work Session with Beavercreek School Board
 - C. September 23, 2019 Regular Meeting
- VI. PUBLIC HEARING – PC 19-5 ASRA Panera
 - A. Applicant Presentation
 - B. Staff Presentation
 - C. Public Input
 - D. Council Input
 - E. Motion
- VII. ORDINANCES, RESOLUTIONS AND PUDS
 - A. Ordinance 19-20 Repealing and Adopting New Chapter 137 (Second Reading)
 - B. Resolution 19-61 Authorize Agreement with City of Kettering for Paving of County Line Road and Dorothy Lane
 - C. Resolution 19-62 Condado Tacos 17, LLC Request for Liquor License Transfer
- VIII. LIQUOR PERMITS
 - A. La Perla Nails & Spa LLC (New)
- IX. DECISION ITEMS
 - A. Appointment to the Board of Zoning Appeals (Vacancy - Unexpired Term)
- X. COUNCIL TIME
- XI. MAYOR'S REPORT
- XII. CITY MANAGER'S REPORT
- XIII. CITIZEN COMMENTS
- XIV. ADJOURNMENT

BEAVERCREEK CITY COUNCIL
REGULAR MEETING September 9, 2019 6:00 p.m.

PRESENTATIONS

- ◆ City of Peace Children's Artwork

CALL TO ORDER

Vice Mayor Garcia called the meeting to order followed by roll call

PRESENT: Council Member Curran, Council Member Litteral, Council Member Rushing, Council Member Upton, Council Member Vann, Vice Mayor Garcia

ABSENT: Mayor Stone

Council Member Litteral MOVED to excuse Mayor Stone, seconded by Council Member Vann. Motion PASSED by majority voice vote.

ALSO IN ATTENDANCE: Captain Jeff Fiorita, Beavercreek Police Department, Theresa Hathaway, Assistant Finance Director; Pete Landrum, City Manager; Jeff McGrath, Planning & Development Director; Steve McHugh, Legal Counsel; Dianne Miscisin, Clerk of Council; Mike Thonnerieux, Public Administrative Services Director

PLEDGE

Council Member Litteral led the pledge and a moment of silence.

APPROVAL OF AGENDA

Council Member Litteral MOVED to approve the agenda, seconded by Council Member Rushing. Motion PASSED by majority voice vote.

ORDINANCES, RESOLUTIONS AND PUDS

Ordinance 19-16 Establishing New Fiduciary and Special Revenue Fund in Conformity with Generally Accepted Accounting Principles (Third Reading)
Clerk Miscisin read an Ordinance to establish a new special revenue fund and fiduciary fund in conformity with generally accepted accounting principles

Council Member Vann MOVED to approve Ordinance 19-16, seconded by Council Member Curran. Motion PASSED by a majority voice vote.

Ordinance 19-19 Additional Appropriations (Single Reading)

Clerk Miscisin read an Ordinance to approve supplemental appropriations and certify additional revenue for the fiscal year beginning January 1, 2019 and ending December 31, 2019 and to amend Ordinances 18-28, 19-01, 19-03, 19-12, 19-17, and 19-18.

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Ms. Hathaway reviewed the appropriations and additional revenue. In 2018, the street levy fund received grant funding from the Miami Valley Regional Planning Commission to purchase right-of-way for the Shakertown Road construction project. The right-of-way purchases came in \$220,000 under the budget and MVRPC gave approval to the city to apply the funds to the construction phase of the project. These need to be certified as pass through grant revenue. To help cover the costs of tornado debris removal the city decided to delay the resurfacing of additional streets that were normally added to the annual base street program. This would allow the city to release and redirect \$350,000 for emergency debris removal. This amount needs to be unappropriated in the street levy fund. The golf course sustained damage to the roof of maintenance facility and the small training and fitting building next to the driving range. The amount covered by the insurance company needs to be recorded through the accounting system like pass through grants.

Council Member Litteral MOVED to approve Ordinance 19-19, seconded by Council Member Vann. Motion PASSED by a roll call vote of 6-0.

LIQUOR PERMITS

Brinker Restaurant Corp DBA Chilis Bar & Grill (Transfer)

Captain Fiorita said the Ohio Division of Liquor Control sent police notification referencing the transfer of a D1, D2, D3 and D6 liquor permit from Brinker Restaurant Corp. DBA Chili's Bar & Grill, 2762 N. Fairfield Road, Beaver Creek, Ohio 45434 to ERJ Dining IV LLC, DBA Chili's Bar & Grill, 2762 N. Fairfield Road, Beaver Creek, Ohio 45434. The records checks required by the Ohio Department of Commerce – Division of Liquor Control were conducted on the business officers/shareholders for this application request.

Council Member Litteral MOVED to accept without comment, seconded by Council Member Curran. Motion PASSED by majority voice vote.

COUNCIL TIME

Council Member Curran congratulated the Popcorn Festival Committee for record attendance.

Council Member Upton also thanked the Popcorn Festival Committee and growth the festival is seeing. The City has received over \$3 million in grant money from MVRPC for a couple road projects over the next few years. He thanked the staff for putting in an excellent grant application.

Council Member Vann attended the Greene County CATS meeting. She said they discussed how to maintain the quality of service as they do not receive any tax

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money or levy that supports them. She also attended the MVPRC meeting where they had announced they would be coordinating all the disaster capital improvement grant writing for tornado neighborhoods and cities. She said also in attendance was Mr. Landrum, Mayor Stone and along with many city staff. She said not all places in the United States have such a strong regional planning organization as MVRPC. She said they have stepped up to the plate and are hiring somebody to write grant applications for the region which makes them a stronger ask when they are solving problems throughout the region. She said she was glad they were a partner and that Mr. Landrum was paying attention and was doing this. She thought it was good for the community and good for the tornado recovery. She thought by having somebody specifically hired to do this was to everybody's benefit. She said her job had been to help neighborhood's recover from whatever or to watch people recover from whatever. She said to recover from this tornado was challenging. She said if you read the blog where people were talking about the different things that were happening as they fight with insurance or they get let down because of a bad tree cutter has run away with their money or any miscellaneous stuff that has gone on. She said in Kettering they hired a person using grant money to be an advocate for seniors to answer questions about which kind of insurance, about what to do when they needed to make decisions about housing, health or whatever. She said the Kettering council was cautious about hiring that person but after having it paid for with Community Development Block Grant money for two years they permanently added that person onto their staff because it was so valuable to their citizens to have that advocate at city hall who doesn't really solve their problems but would help negotiate through the social service agencies. She knew the Greene County Community Foundation had \$400,000 that they had not earmarked for how it was going to be distributed. She wanted to know if council would be willing to hire a part-time or full-time advocate that would work at city hall and be a resource for people that were affected by the tornado who needed somebody that isn't in crisis to help them sort through the various paths. She said she spoke with Mr. Landrum briefly before the meeting and talked about putting it on the agenda for October but she said that was so far away. She thought she would just bring it up. She said right now people can call 211 and get somebody in Montgomery County who would be their advocate but how much better it would be if they could call Beaver Creek City Hall who could coordinate with that person at 211 and all the agencies in Greene County. She was asking if they should put together as a city council a request for some of that money the Greene County Community Foundation had secured for the tornado and see if it be a purposeful use to help a lot of families. She wanted to throw this out for discussion. She said if you say I should move forward, she and Mr. Landrum would think through it and see what it might be. She did not even know if this was a possibility.

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Council Member Curran asked if this was something the city manager should do as he was the chief executive officer. It would be his responsibility to evaluate it for the long term financial possibility.

Council Member Vann said as a group they could make that choice and direct him to do that. She said she was just telling everyone there was a window of opportunity and maybe they should do it. She said it could be an ombudsman or whatever they want to call it. She said if they could start working on it she thought there was some potential grant money that they may have to match. She said they may have to provide an office.

Council Member Upton said it was an interesting thought. He asked if they had the need to warrant it. Council Member Vann said she thought there were people out there who were capable of doing things for themselves and were doing it. She said those that weren't were just in crisis and struggling. Council Member Upton said the other thought he had was once they get through the crisis of the tornado recovery, was there a need beyond that. He said Council Member Vann mentioned Kettering with some of the things they have and what was that person doing today. He asked what they were missing. Council Member Vann said the Kettering advocate's focus was on the seniors who were just doing the best they could in their house but were really confined in their house. She said they needed help figuring out different solutions. Council Member Vann didn't know how many clients the advocate had on her list as Council Member Vann hadn't been there in a while. She said for the short term she would focus on the tornado and at a future time think about other stuff. She didn't know if they could do this at this point in the meeting. She asked if she could make a motion. Mr. McHugh replied that she could.

Council Member Vann MOVED to ask the city manager to explore the possibility of having a staff person to be an advocate for our citizens who have survived the tornado with specifics as to whether it's full-time or part-time.

Council Member Curran suggested this wait until Mayor Stone's return.

Council Member Litteral seconded.

Council Member Curran said when they were all together then they could talk about this but not right now.

Vice Mayor Garcia confirmed the motion was to explore the possibility of bringing somebody on and present council with further options as far as part-time, full-time and if there was grant money available for it. She confirmed again the motion was

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just to have the city manager explore this possibility. Council Member agreed that Vice Mayor Garcia's confirmation was correct.

Motion PASSED with majority voice vote.

Council Member Rushing congratulated the Popcorn Festival and would like to know what the projected attendance was. He gave a shout out to Soin Medical Center for the topping of the south tower. The Planning and Engineering are now allowing online permits and payments through the city's website. He thanked the City of Peace Committee, Council Member Vann and those in attendance.

Council Member Litteral thanked the volunteers that assisted with the Popcorn Festival, especially the COPPs. She thanked Council Member Upton and Council Member Vann for their work with MVRPC.

Vice Mayor Garcia thanked the volunteers for their work on the Popcorn Festival and the City of Peace Committee for attending the meeting and presenting their artwork.

MAYOR'S REPORT

No report.

CITY MANAGERS REPORT

Mr. Landrum said there would be a moment of silence at 8:46 at the 9/11 Memorial on September 11th. The last Party on the Patio will be held on September 13th at the golf course from 6-9 p.m. Peace Day will start at 1:30 on Saturday, September 21st at the Beavercreek High School. He reviewed the current street projects. There will be a Joint Work Session with the Beavercreek School Board at the School Administration Building at 6:30 p.m. on September 12, 2019. The September 16th Work Session has been cancelled.

CITIZEN COMMENTS

There being no comments, Citizen Comments was closed.

ADJOURNMENT

Council Member Curran MOVED to adjourn the meeting at 6:43 p.m., seconded by Council Member Rushing. Motion PASSED by majority voice vote.

BEAVERCREEK CITY COUNCIL

REGULAR

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Bob Stone, Mayor

ATTEST:

Dianne Miscisin
Clerk of Council
Cmin090919

BEAVERCREEK CITY COUNCIL
JOINT WORK SESSION WITH BEAVERCREEK SCHOOL BOARD
September 12, 2019 6:30 p.m.

Vice Mayor Garcia called the meeting to order followed by roll call.

PRESENT: Council Member Curran, Council Member Litteral, Council Member Rushing, Council Member Upton, Council Member Vann, Vice Mayor Garcia

ABSENT: Mayor Stone

Council Member Rushing MOVED to excuse Council Member Litteral and Mayor Stone, seconded by Council Member Upton Motion PASSED by majority voice vote.

ALSO IN ATTENDANCE: Randy Burkett, City Planner; Dennis Evers, Chief of Police; Kim Farrell, Recreation Superintendent; Erin Harris, Recreation Supervisor; Theresa Hathaway, Assistant Finance Director; Bill Kucera, Financial Administrative Services Director; Pete Landrum, City Manager; Ben Mazer, Legal Counsel; Jeff McGrath, Planning & Development Director; Dianne Miscisin, Clerk of Council; Jeff Moorman, City Engineer; Mike Thonnerieux, Public Administrative Services Director

Beavercreek Schools:

APPROVAL OF AGENDA

Council Member Upton MOVED to approve the agenda, seconded by Council Member Curran Motion PASSED by majority voice vote.

DISCUSSION ITEMS

Road Projects - City

Mr. Moorman reviewed the upcoming road projects that would be occurring within the next year.

Economic Development - City

Mr. McGrath explained they would be updating the Land Use Plan in the upcoming year. He discussed the interest in some of the commercial properties in need of revitalization.

Partnerships – City/Schools

Mr. Otten reviewed the shared services between the city and the school district. Mr. Landrum added his comments regarding the value of the collaborative efforts between the two entities.

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Mr. Thonnerieux said the relationship makes it easy for everyone when there are emergency situations and gave the example of the tornado.

Start of 2019-2020 School Year – Schools, Finances, Growth/Development/Master Facilities Plan

Mr. Otten reviewed what was new this year within the school district, the funding received from the state versus expenditures, the reductions made and the savings as a result of those reductions, and what the future looks like as far as levies, enrollment and the capacity of the facilities. He reviewed the two possible master facilities plans. The first plan would not be a permanent solution and the second plan would be able to accommodate the projected capacity.

Roundtable Discussion – City/Schools

Members of the City Council and Beavercreek School Board had an opportunity to speak on various topics.

QUESTIONS AND/OR COMMENTS FROM THE PUBLIC

There were no comments

CITY COUNCIL/BOARD MEMBER COMMENTS

Members of the City Council and Beavercreek School Board made various comments.

ADJOURNMENT

Council Member Curran MOVED to adjourn the meeting at 7:49 p.m., seconded by Council Member Upton. Motion PASSED by majority voice vote.

Bob Stone, Mayor

ATTEST:

Dianne Miscisin
Clerk of Council
Cmin091219JointWorkSession

BEAVERCREEK CITY COUNCIL
REGULAR MEETING September 23, 2019 6:00 p.m.

PROCLAMATIONS

- ◆ Move with the Mayor

CALL TO ORDER

Mayor Stone called the meeting to order followed by roll call

PRESENT: Council Member Curran, Council Member Litteral, Council Member Rushing, Council Member Vann, Vice Mayor Garcia, Mayor Stone

ABSENT: Council Member Upton

Council Member Litteral MOVED to excuse Council Member Upton, seconded by Council Member Curran. Motion PASSED by majority voice vote.

ALSO IN ATTENDANCE: Dennis Evers, Chief of Police; Kim Farrell, Recreation Superintendent; Bill Kucera, Financial Administrative Services Director; Pete Landrum, City Manager; Jeff McGrath, Planning & Development Director; Dianne Miscisin, Clerk of Council; Steve McHugh, Legal Counsel; Jeff Moorman, City Engineer; Mike Thonnerieux, Public Administrative Services Director

PLEDGE

Council Member Rushing led the pledge and a moment of silence.

APPROVAL OF AGENDA

Council Member Litteral MOVED to approve the agenda, seconded by Vice Mayor Garcia. Motion PASSED by majority voice vote.

APPROVAL OF MINUTES

Council Member Curran MOVED to approve the August 26, 2019 Regular Meeting Minutes, seconded by Council Member Rushing. Motion PASSED by majority voice vote.

ORDINANCES, RESOLUTIONS AND PUDS

Resolution 19-53 Cemetery Master Plan, Jose Castregon, McGill, Smith, Punshon Inc. presenting

Clerk Miscisin read a Resolution to adopt a Cemetery Master Plan for the City of Beaver Creek.

Ms. Farrell introduced Mr. Castregon to give the final presentation of the master plan to council.

Mr. Castregon reviewed the planning process and the goal of the master plan. He then reviewed the recommendations and examples of phases of the plan.

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Council Member Litteral said the presentation was top notch and pleased with the work that has been done

Council Member Vann MOVED to approve the concept plan that was presented for the cemetery plan knowing full well as the specific pieces are developed that they would come back to council to review again, Council Member Litteral seconded.

Mr. McHugh stated the motion needed to be to approve the Resolution.

Council Member Vann argued that there were no details for some of the sections, only the concept and general idea.

Mr. McHugh explained this motion needed to be to approve the Resolution.

Mayor Stone explained that this just created a master plan and did not create any action.

Mr. McHugh wanted to be sure the motion was to approve the Resolution

Council Member Vann wanted to be sure that staff realized this was not a green light to never bring it back before council. She said as the specific site plans are planned for various areas it did need to come back to council.

Mr. McHugh appreciated her concern but explained the motion needed to be to approve the Resolution and he heard the motion as an approval of a concept plan which would not approve the Resolution.

Mayor Stone stated they would have to fund it so it would have to come back to council.

Vice Mayor Garcia asked if procedurally if the motion would need to be withdrawn.

Council Member Vann withdrew the motion on the floor.

Council Member Vann MOVED to approve Resolution 19-53, seconded by Council Member Litteral. Motion PASSED by a majority voice vote.

Ordinance 19-20 Repealing and Adopting New Chapter 137 (First Reading)
Clerk Miscisin read an Ordinance repealing Chapter 137 "Weapons Control" of the City of Beavercreek Code of Ordinances and adopting new Chapter 137 "Weapons Control" of the City of Beavercreek Code of Ordinances.

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Mr. McHugh explained the Ohio legislature and HB 228 made a number of changes to weapons control. He reviewed a few of those changes to the Ohio Revised Code. Many of the changes were modernizing definitions and clarifications to the laws. This Ordinance would bring the Code of Ordinances in compliance with the Ohio Revised Code.

Council Member Litteral MOVED Ordinance 19-20 to the second and third readings, seconded by Council Member Vann. Motion PASSED by a majority voice vote.

Ordinance 19-21 Additional Appropriations (Single Reading)

Clerk Miscisin read an Ordinance to approve supplemental appropriations and certify additional revenue for the fiscal year beginning January 1, 2019 and ending December 31, 2019 and to amend Ordinances 18-28, 19-01, 19-03, 19-12, 19-17, 19-18 and 19-19.

Mr. Kucera reviewed the appropriations. He explained the insurance claims including a vehicle hitting and totaling the city's attenuator which is the arrow board used to divert traffic from city workers. The second insurance claim was for the cleanup of the Tobias-Zimmer barn that was destroyed by the tornado. The golf course sustained a lightning strike which knocked out two satellite boxes and an irrigation voltage regulator. The golf course received an amount for lost revenue as a result of the tornado. The Senior Center received a grant from Greene County Counsel on Aging for a new van to replace a 2005 van and needed to appropriate the offsetting cost of the new van.

Council Member Vann asked if there were any other things in the neighborhoods or businesses that were our responsibility like storm water or whatever that could have been put in as a claim because of the tornado. Mr. Kucera replied no because there was not a direct cause and effect for city property.

Council Member Vann asked if anything from the park that could have been claimed. Mr. Kucera explained there was a complete review of all of the parks after the tornado and this was the only one that had physical damage. He said trees falling down and not hitting anything were not covered under insurance; trees falling down and hitting a structure or a bench would be covered.

Council Member Curran MOVED to approve Ordinance 19-19, seconded by Council Member Litteral. Motion PASSED by a roll call vote of 6-0.

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Resolution 19-54 Accepting Amounts and Rates and Certifying Them to the County Auditor

Clerk Miscisin read a Resolution accepting the amounts and rates as determined by the Budget Commission and authorizing the necessary tax levies and certifying them to the County Auditor

Mr. Kucera reviewed the phases of the budget process with the auditor. He said the county auditor would submit these numbers to the state. He explained internally the departments would be reviewing the budgets with the finance department the first week of October. He said city council would be reviewing the budgets during two budget work session scheduled for November 18th and November 20th. The final step for the budget would be the adoption of the appropriation ordinance at the December 9th council meeting.

Mayor Stone asked if the reduction in property values from tornado would be reflected in next year's budget. Mr. Kucera said the county auditor believes the number were right on because of the conservative numbers used.

Council Member Rushing asked if the Greene County Auditor had discussed using an alternative form for the tax budget. Mr. Kucera said the city sends the proposed budget in the city's format.

Council Member Rushing MOVED to approve Resolution 19-54, seconded by Council Member Litteral. Motion PASSED by a roll call vote of 6-0.

Resolution 19-55 Approval of Entering into an Agreement with Ohio Department of Transportation for SR 835 Resurfacing Project

Clerk Miscisin read a Resolution authorizing the City Manager to enter into a LPA Federal Project Agreement with the Ohio Department of Transportation for the project known as the GRE-SR835-0.00 Resurfacing Project, PID No. 108934.

Mr. Moorman said they received notice the city's application for ODOT Urban Paving Program funds for the resurfacing of Research Boulevard had been approved. He said the project would begin at the county line of Montgomery County and extend to the eastbound US 35 exit ramp. He said this included the milling of the pavement, pavement repairs and repairs to the median islands. The approximate cost was \$2 million with half the cost being paid by the grant. He said they also applied for another grant for the same project that looks favorable so the city cost of the project would be even less.

Council Member Vann MOVED to approve Resolution 19-55, seconded by Vice Mayor Garcia. Motion PASSED by a majority voice vote.

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Resolution 19-56 Approval of Entering into an Agreement with Ohio Department of Transportation for Kemp Road Sidewalk Project

Clerk Miscisin read a Resolution authorizing the City Manager to enter into a LPA Federal Project Agreement with the Ohio Department of Transportation for the project known as the Kemp Road Sidewalks Project, PID No. 110374.

Mr. Moorman said one of the successful applications for MVRPC funds was for the installation of pedestrian facilities along a portion of Kemp Road between the two Grange Hall Roads. He said this will content to other pedestrian facilities that will be built in the next couple of years. Construction was planned for the fall of 2023 with overall construction costs to be \$627,000 with grant funds paying for \$344,000.

Council Member Curran MOVED to approve Resolution 19-56, seconded by Vice Mayor Garcia. Motion PASSED by a majority voice vote.

Resolution 19-57 Approval of Submittal of Miami Valley Regional Planning commission Funding Applications

Clerk Miscisin read a Resolution authorizing the submittal of applications for Federal Fast Act Funds through the Miami Valley Regional Planning Commission.

Mr. Moorman reviewed six proposed projects in order of ranking to be submitted to MVRPC. Those proposed projects included North Fairfield Resurfacing from Crossing Blvd to I-675 Ramp, North Fairfield Road Resurfacing from Lakeview Drive to Crossing Blvd, North Fairfield Road Widening from Plantation to Fairbrook School, Factory Road Bridge Widening, North Fairfield Road Sidepath Reconstruction from Commons Blvd to Pentagon Blvd, and Shakertown Road Sidepath from Autumn Leaf to Farmbrook.

Council Member Curran MOVED to approve Resolution 19-57, seconded by Vice Mayor Garcia. Motion PASSED by a majority voice vote.

Resolution 19-58 Selective Traffic Enforcement Program (STEP) Grant

Clerk Miscisin read a Resolution to authorize the Beavercreek Police Department's acceptance of the Ohio Traffic Safety Selective Enforcement Program (STEP) Grant.

Chief Evers explained the police department was notified of their eligibility to receive a grant through the Ohio Traffic Safety Office to provide funding for High Visibility Enforcement. HVE is a universal traffic safety approach designed to create deterrence and change unlawful traffic behaviors. HVE combines highly

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visible and proactive law enforcement targeting a specific traffic safety issue. STEP hours must be used to conduct HVE activities in areas to impact fatal crashes by targeting occupant restraint, speed, distracted driving, aggressive driving, failure to yield, etc. STEP Grant eligibility is for a maximum of \$17,916.32 of reimbursement to the city for officer overtime and fringe benefits. Included in this amount is transportation/fuel costs reimbursable up to 5% of the total labor costs. There is no local match required for this grant. The grant period would run from October 1, 2019 through September 30, 2020.

Council Member Litteral MOVED to approve Resolution 19-58, seconded by Vice Mayor Garcia. Motion PASSED by a majority voice vote.

Resolution 19-59 Impaired Driving Enforcement Program (IDEP) Grant

Clerk Miscisin read a Resolution to authorize the Beavercreek Police Department's acceptance of the Ohio Traffic Safety Impaired Driving Enforcement Program (IDEP) Grant.

Chief Evers explained this was the second grant they were currently operating for the third year. He said this was the Impaired Driving Enforcement Program (IDEP) Grant which was directed towards the HVE activities to impact impaired driving and reduce fatal crashes. This IDEP grant was for a maximum of \$24,624.48 of reimbursement to the city for officer overtime and fringe benefits. There was also a transportation/fuel cost up to 5% of the total labor costs. There was no local match for this grant and the grant period was the same as the STEP grant, October 1, 2019 through September 30, 2020.

Council Member Litteral MOVED to approve Resolution 19-59, seconded by Vice Mayor Garcia. Motion PASSED by a majority voice vote.

Resolution 19-60 Approval of Entering into an Agreement with Ohio Department of Transportation for the Kemp Road Signal Improvement Project

Clerk Miscisin read a Resolution authorizing the City Manager to enter into a LPA Federal Project Agreement with the Ohio Department of Transportation for the project known as the Kemp Road Interconnect Project, PID No. 103590.

Mr. Moorman explained this was another project they were successful in receiving grants funds for improvements of signals along the Kemp Road corridor. The project was to reconstruct the existing traffic signals at Kemp and Fairfield and at Turnbull and Kemp. The other signals would also receive an upgrade and be connected to the fiber optic system, battery backup systems and newer controllers. The work was planned for the summer of 2020 with a total project cost of \$729,524 with \$429,000 being paid with grant monies.

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Council Member Curran MOVED to approve Resolution 19-60, seconded by Vice Mayor Garcia. Motion PASSED by a majority voice vote.

DECISION ITEMS

Appointment to the Board of Zoning Appeals (Vacancy – Unexpired Term)

Council Member Curran MOVED to open nominations for Board of Zoning Appeals, seconded by Council Member Litteral. Motion PASSED by majority voice vote.

Council Member Vann nominated Richard Porter.

Council Member Rushing MOVED to close nominations for Board of Zoning Appeals, seconded by Vice Mayor Garcia. Motion PASSED by majority voice vote.

Council Member Litteral MOVED to appoint Richard Porter to the Board of Zoning Appeals for the term ending February 29, 2020, seconded by Vice Mayor Garcia. Motion PASSED by majority voice vote.

COUNCIL TIME

Council Member Litteral said several of the council helped with the chain gang for the Eager Beavers. The Chamber had an open house last week. Try-a-Truck will be October 5th.

Council Member Rushing thanked the Greene County Township Association who hosted their monthly networking opportunity. He thanked Beaver Creek Seventh Day Adventist Church for hosting their service and giving a pray to the community and first responders.

Council Member Vann said they had a great Peace day on Saturday which was well attended and had many activities to work toward world peace.

Council Member Curran said many members attended the Chamber's open house. He said the Peace Day was an interesting event and learned a lot. The Township dinner was very nice.

Vice Mayor Garcia thanked the Seventh Day Adventist Church for their event and the Chamber for their open house. She thanked the staff for constantly looking into grant opportunities.

MAYOR'S REPORT

September 23, 2019

Mayor said the Day of Peace was growing and was very well done. He participated in the Homecoming Parade.

CITY MANAGERS REPORT

Mr. Landrum reviewed the road construction projects throughout the city. He reviewed the upcoming Beaver Creek City events.

CITIZEN COMMENTS

There being no comments, Citizen Comments was closed.

EXECUTIVE SESSION

Council Member Rushing MOVED to enter into Executive Session at 7:01 p.m. pursuant to Section 121.22 of the Ohio Revised Code, for the purpose of conference with city attorney concerning disputes involving the city that are subject to pending or imminent court action, seconded by Council Member Litteral. Motion PASSED by roll call vote of 6-0.

Council Member Litteral MOVED to adjourn executive session at 7:20 p.m., seconded by Council Member Curran MOVED Motion was PASSED by roll call vote of 6-0

Council Member Curran MOVED to reconvene the meeting, seconded by Council Member Litteral. Motion PASSED by majority voice vote.

ADJOURNMENT

Council Member Curran MOVED to adjourn the meeting at 7:21 p.m., seconded by Vice Mayor Garcia. Motion PASSED by majority voice vote.

Bob Stone, Mayor

ATTEST:

Dianne Miscisin
Clerk of Council

BEAVERCREEK CITY COUNCIL

REGULAR

September 23, 2019

Cmin092319

PEL

**CITY OF BEAVERCREEK
CITY COUNCIL
AGENDA ITEM REPORT**

Meeting Date: October 14, 2019	Reference Topic: PC 19-5 ASRA Detail Site Plan
Agenda Reference No. VI. A-E	Panera
	Motion

ACTION REQUESTED		
<input type="checkbox"/> Adopt Ordinance	<input type="checkbox"/> Adopt Resolution	<input type="checkbox"/> Review and Comment
<input type="checkbox"/> No Action Requested	<input type="checkbox"/> Accept Staff Recommendation	<input checked="" type="checkbox"/> Adopt Motion

RESPONSIBLE DEPARTMENT OR AGENCY		
<input type="checkbox"/> Finance	<input type="checkbox"/> City Council	<input type="checkbox"/> Law
<input type="checkbox"/> Parks & Recreation	<input type="checkbox"/> Engineering	<input checked="" type="checkbox"/> Planning & Development
<input type="checkbox"/> Police	<input type="checkbox"/> Public Service	<input type="checkbox"/> City Manager
<input type="checkbox"/> Clerk of Council	<input type="checkbox"/> Human Resources	<input type="checkbox"/> Other _____

REQUEST BY APPLICANT:

The applicant is requesting Administrative Site Plan Review Approval (ASRA) for a Panera restaurant, proposed to be located at 3281 North Fairfield Road, the site of the former Friendly's Restaurant

RECOMMENDATION:

Planning Commission and staff recommend approval of this request as described in the attached Ordinance. See attachments for further details.

PROCEDURAL OPTIONS FOLLOWING ACTION:

City Council may choose to approve, disapprove, modify or table the action for further review.

CITY OF BEAVERCREEK STAFF REPORT

October 10, 2019

PROJECT: Panera
CASE NO.: PC 19-5 ASRA
APPLICANT: Anchor Development LLC
3825 Edwards Street
Suite 630
Cincinnati OH 45209

REQUEST

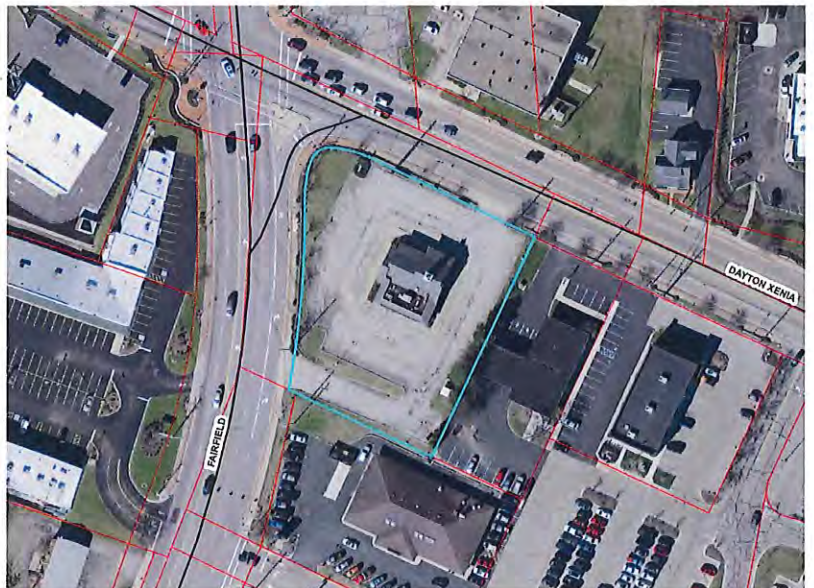
The applicant is requesting Administrative Site Plan Review Approval (ASRA) for a Panera restaurant, proposed to be located at 3281 North Fairfield Road, the site of the former Friendly's Restaurant.

ANALYSIS

This property falls within a PDA (Planned Development Area) overlay district on the City's Land Use Plan. As a planned development area, this property is subject to the Administrative Site Plan Review Approval process. The ASRA process involves two public hearings, with Planning Commission making a recommendation to City Council, and City Council making a decision for or against approval.

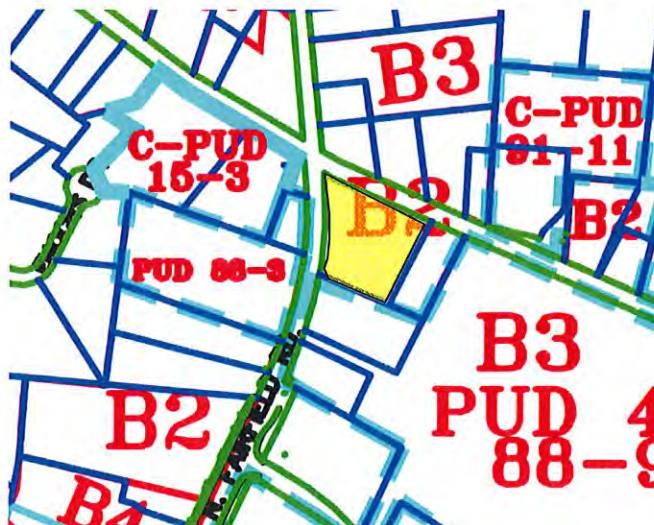
Existing Conditions

The proposed location is an approximately 1.1-acre parcel at the southeast corner of the intersection of Dayton-Xenia and North Fairfield Roads. As noted on the aerial photo to the right property contains the former Friendly's restaurant and related site improvements. This proposal would call for the demolition of the building, and the rejuvenation and expansion of the existing pavement areas.



Zoning and Surrounding Uses

The property is currently zoned B-2, Community Business, and will remain as such. A restaurant with a drive thru window is permitted within B-2 zoning districts. The surrounding uses are as follows:



Direction	Surrounding Zoning	Surrounding Use
North	B2	Shell Gas Station
South	PUD 479 (B3)	Marion's Piazza
East	PUD 479 (B3)	US Savings Bank
West	C PUD 15-3	Multi-Tenant Retail Building

Building Setbacks and Buffers

In B-2 zoning districts, the minimum yard requirements are as follows:

Yard Requirements	
Front Yard	70 feet from property line, unless City Engineer has established all needed ROW has been acquired, if so, then 40 feet
Rear Yard	30 feet from rear property line.
Side Yard	15 feet on each side.

The proposed site plan shows the building being located approximately 63 feet from the front property line from North Fairfield Road, approximately 45 feet from the front property line from Dayton-Xenia Road, approximately 56 feet from the eastern property line, and approximately 116 feet from the southern property line.

Building Design

The applicant proposes to construct a 24-foot tall building at its tallest point. The maximum building height in a B-2 district is 35 feet. The building is 63 feet long and 71 feet wide, with the front of the building facing North Fairfield Road, and a proposed drive thru window will be on the northern elevation of the building. The majority of the structure will be comprised of a dark brown brick veneer with beige EIFS along the upper portion, and a mid-brown composite wood siding tower/corner feature as shown in the attached plans. They

proposed to utilize green fabric awnings over the windows, entrances and the drive thru-window. Conditions of approval will be included in the Motion that will require that all roof top mechanical equipment be screened from visibility and that all downspouts be internally mounted.

Transportation Improvements

As seen on the proposed site plan, there are two access points currently proposed to the site. The proposed access off of Dayton-Xenia Road will be a full ingress/egress access point and will have separate left-out and-right out turn lanes. This access point will be approximately 265 feet east of the North Fairfield Road and Dayton-Xenia Road intersection. The North Fairfield Road access point will be a full in, but right-out only access point. It will be located 285 feet south of the North Fairfield Road and Dayton-Xenia Road intersection. As it stands now, both access points to the site are non-restricted, full access points.

In addition to the two shown access points, the applicant has shown a third access point at the southeast corner of the site, to be constructed up to the property line. This will provide access to the Kimco/Kroger shopping center, without having to go back onto North Fairfield Road or Dayton-Xenia Road. They have been working on making contact with the owners of the property of the US Savings bank in order to get permission to make this connection now, but have not been successful. Staff has reached out to both the branch manager and the regional property manager, who is working on getting better contact information. In the meantime, Panera will construct the access point as close as possible to the property line, and will, per the conditions of approval, record a permanent cross access between the two properties.

Parking

For restaurants, the Zoning Code requires that there be one parking space for every 100 square feet of indoor floor area, one parking space for every 200 square feet of outdoor floor area and one parking space for each employee on the largest shift. Subtracting the standard 15% of floor area from the proposed building to account for restrooms, storage or processing, hallways and the like, and accounting for the 300 square feet of outdoor patio area, this proposal is required to have 37 parking spaces plus one for each of the 12 employees on the largest shift, which comes to a total of 49 parking spaces. This application proposes 50 parking spaces, including two handicap parking spaces. Based on the numbers, this application does meet the minimum requirements set in the zoning code. The other two Panera's in the City do not have drive-thrus, so it is anticipated there will be less stress on the parking lot counts and requirements than we've seen on the other two Panera's.

Screening, Landscaping and Open Space

As shown on the landscape plan of the attached packet, the applicant is proposing to install a wide variety of landscaping on site. The use of decorative shrubs and grasses in the perimeter and internal landscape islands helps to accent the building and parking area, and is consistent with what other developments in the area have installed. In addition to landscaping on and throughout their site, the applicant is proposing to install and maintain decorative landscaping within the right of way adjacent to their property. In order for this to be permitted, a

condition has been proposed in the attached Motion that requires a maintenance agreement be signed between the owner and the City, so that they understand that the owners will be required to maintain this landscaping in perpetuity. A condition of approval proposes the final revised landscape plan be approved by Staff. There are no concerns regarding the proposed landscaping.

Stormwater Management

With this development, there will be a slight decrease in the amount of impervious surface on the site (from 22.8% pervious to 24.7% pervious). Therefore no additional stormwater will need to be detained. However, all EPA water quality standards will need to be fulfilled as part of the final grading plans.

Lighting

A preliminary lighting plan has been included in your packet. Staff has added a condition that requires a final photometric plan be reviewed and approved by the Planning Department prior to the issuance of a zoning permit for this development. It should be noted that the lighting plan attached is based on the originally submitted site plan, and will be adjusted accordingly. The preliminary plans call for the use of 25-foot poles mounted on 2.5-foot concrete bases. All light poles will be located outside of the parking fields, in either landscape islands or the perimeter landscape areas of the parking field, and have full-cut off, LED fixtures.

Signage

Signage is being proposed on all four elevations, and a 5-foot ground sign near the northwest corner of the lot, southeast of the North Fairfield Road and Dayton-Xenia Road intersection. The proposed wall signs on each elevation are 19.75 feet x 2.25 feet or 44.4 square feet. The ground sign, again is 5-foot tall, 8 feet wide and is proposed to have a sign face of approximately 32 square feet. Staff has added a condition that the final ground sign include a brick wrap, as shown in Exhibit A of the proposed Motion.

Utilities

Water and sewer will be available to the property.

Recommendation

Planning Commission and Staff are recommending approval of this request as outlined in the attached Motion.



MOTION TO APPROVE
PANERA ASRA DETAILED SITE PLAN PC 19-5

"I move, for the purpose of taking administrative action, approval of an ASRA Detailed Site Plan for Panera, PC 19-5, on the basis that City Council finds the facts submitted with the application and accompanying materials, and modifications, amendments and supplementary conditions satisfy the standards and criteria for an ASRA Detailed Site Plan as per §158.083 of the Zoning Code. Supplementary conditions required of this approval shall be as follows. I further move that this motion with all conditions be fully recorded in the minutes of this Council meeting."

1. The approved plans for this development shall be the plans stamped "Received August 28, 2019", except as modified herein.
2. The approved building elevations shall be those plans stamped "Received August 5, 2019" except where modified herein.
3. A detailed landscape plan shall be reviewed and approved by the Planning Department prior to the execution of the required Development Agreement and the release of a zoning permit.
4. Perpetual maintenance of landscaping shall be provided and any dead or diseased materials shall be removed and replaced with similar types, species and sizes as originally planted, within three months, weather permitting.
5. Prior to the release of the zoning permit, the applicant shall sign an agreement with the City pertaining to the maintenance of landscaping installed in the City's right-of-way. The agreement shall obligate the owners of the property to maintain said landscaping, so long as it remains in the right-of-way.
6. A Development Agreement must be signed by the owner and a bond or letter of credit for the required site landscaping must be submitted prior to issuance of a zoning permit for any portion of the project for the purpose, but not for the sole purpose, of insuring the installation of landscaping. Said bond or letter of credit must meet the requirements of the City's landscaping and screening regulations.
7. All trash collection containers shall be screened from view and enclosed within a permanent dumpster enclosure or completely kept within the building. Any dumpster enclosures shall be constructed of materials to match the building, and fitted with a closeable, lockable gate.
8. Debris and trash shall be routinely collected by the owner from the parking lot

and grounds of all areas of the project including the storm drainage facilities. The City reserves the right to require more frequent collection as necessary.

9. Gutters, downspouts and roof access ladders shall not be visible on any elevation of the building. They shall be internally mounted. Thru-wall scuppers are permitted.
10. The façade shall not be painted or altered without the expressed approval of the Planning Department and/or Planning Commission.
11. All service doors shall be painted to match the building per the approval of the Planning Department.
12. Any ground sign shall be a maximum of 5 feet in height, including a 1-foot brick base and wrap (as shown in Exhibit A), and shall have a maximum of 32 square feet of sign area per sign face.
13. The wall signs permitted shall be those as shown on the approved architectural elevations.
14. The ground sign shall be constructed with a masonry base and wrap, to match the materials used to construct the building.
15. Prior to the issuance of a zoning permit, final cut sheet details and photometric plans for lighting of the site shall be reviewed and approved by the Planning Department. Maximum mounting height for any parking fixture shall be 25 feet, and no pole shall be located in the paved area of the parking field. Lights in the parking lot shall be reduced to no greater than 25 percent illumination level within one hour of closing.
16. All concerns of the City Engineer, Fire Department, Sanitary Engineer and the Planning Department shall be addressed and approved prior to the release of a zoning permit for the building.
17. All roof top mechanical units shall be completely screened from view from all directions with architectural features (roof forms or parapets).
18. Prior to the release of a zoning permit, the applicant shall record, with the Greene County Recorder's office, a permanent cross access and construction easement on the southeast corner of the property with the property to the east. Prior to getting the easement recorded, the applicant shall provide a draft of the easement to the Planning Department and the Law Director for review and approval.
19. If the three spots designated as Curbside Pick-Up spots (shown on Exhibit B) are frequently full, and turning around becomes a problem for patrons of the Panera,

the owners shall mark the northernmost parking space as “no parking” with signage and striping. An alternative solution other than marking the space “no parking”, agreeable to both the Planning Department and the Owners, may be utilized if appropriate.

PC 19-5 Panera Motion

Exhibit A

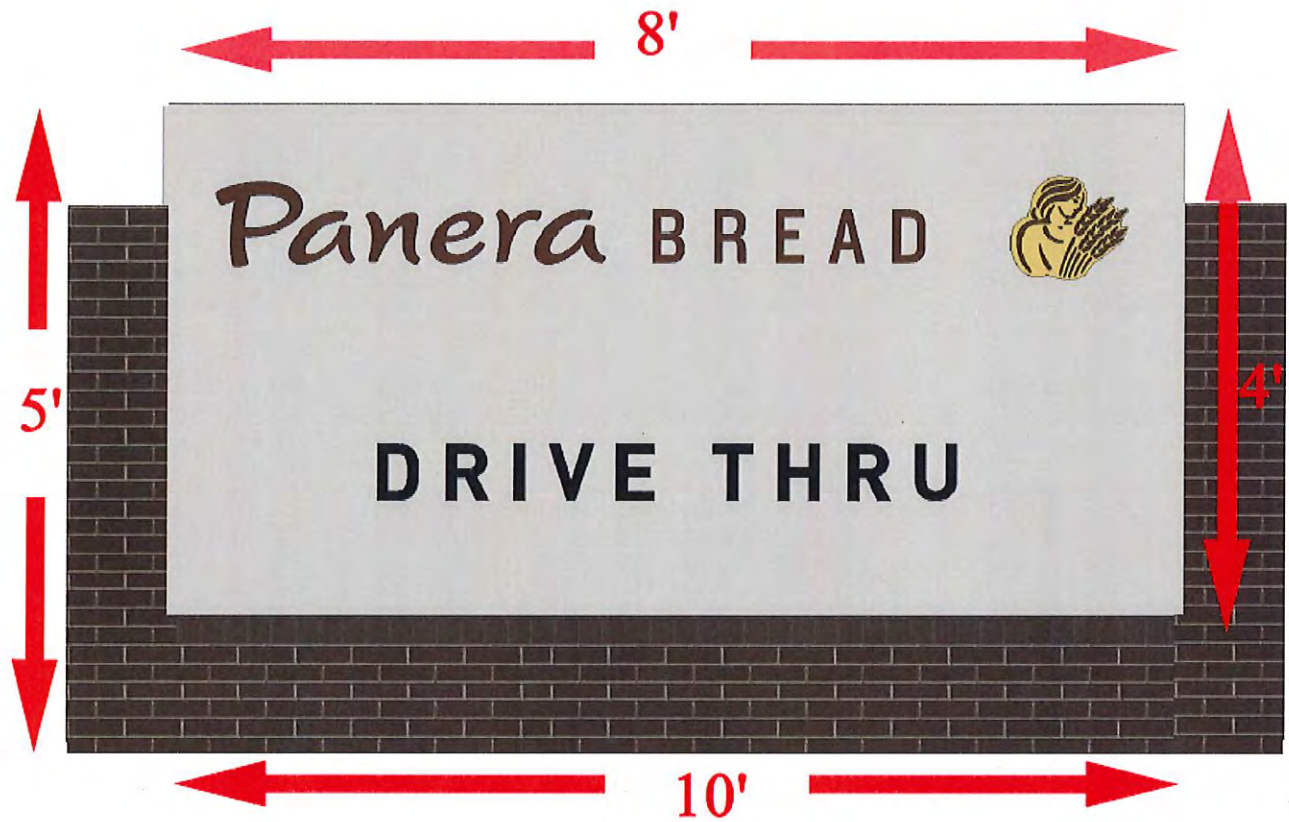
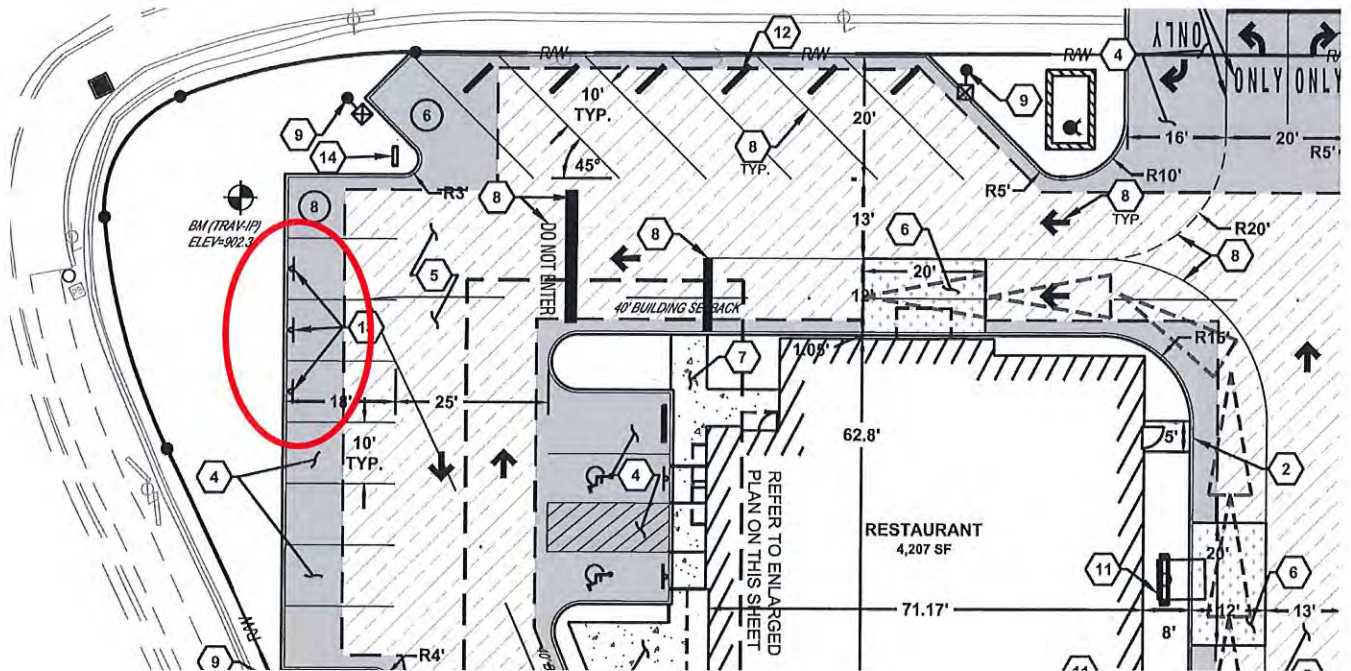


Exhibit B



RESOLUTION

CITY OF BEAVERCREEK
PLANNING COMMISSION
September 4, 2019

RE: PC 19-5 Panera ASRA

WHEREAS, Anchor Development LLC, 3825 Edwards Road, Suite 630, Cincinnati, OH, has filed an application requesting approval of an ASRA Detailed Site Plan for the Panera to be located at 3281 North Fairfield Road; and

WHEREAS, public hearing was held on September 4, 2019 by the Beavercreek Planning Commission at which time all people who wished to testify gave their comments at the public hearing; and

WHEREAS, the Planning Commission finds that the facts submitted with this ASRA Detailed Site Plan application and presented at the public hearing and any modifications, amendments, or supplementary conditions satisfy the standards and criteria for an ASRA Detailed Site Plan as per §158.083 of the Zoning Code; and

WHEREAS, the Beavercreek Planning Commission is taking administrative action in approving this ASRA Detailed Site Plan.

NOW, THEREFORE BE IT RESOLVED that the Planning Commission recommends to the Beavercreek City Council:

SECTION I

The Beavercreek Planning Commission recommends to Beavercreek City Council approval of this ASRA Detailed Site Plan for the Panera with the following conditions and requirements.

SECTION II

1. The approved plans for this development shall be the plans stamped "Received August 28, 2019", except as modified herein.
2. The approved building elevations shall be those plans stamped "Received August 5, 2019" except where modified herein.
3. A detailed landscape plan shall be reviewed and approved by the Planning Department prior to the execution of the required Development Agreement and the release of a zoning permit.

4. Perpetual maintenance of landscaping shall be provided and any dead or diseased materials shall be removed and replaced with similar types, species and sizes as originally planted, within three months, weather permitting.
5. Prior to the release of the zoning permit, the applicant shall sign an agreement with the City pertaining to the maintenance of landscaping installed in the City's right-of-way. The agreement shall obligate the owners of the property to maintain said landscaping, so long as it remains in the right-of-way.
6. A Development Agreement must be signed by the owner and a bond or letter of credit for the required site landscaping must be submitted prior to issuance of a zoning permit for any portion of the project for the purpose, but not for the sole purpose, of insuring the installation of landscaping. Said bond or letter of credit must meet the requirements of the City's landscaping and screening regulations.
7. All trash collection containers shall be screened from view and enclosed within a permanent dumpster enclosure or completely kept within the building. Any dumpster enclosures shall be constructed of materials to match the building, and fitted with a closeable, lockable gate.
8. Debris and trash shall be routinely collected by the owner from the parking lot and grounds of all areas of the project including the storm drainage facilities. The City reserves the right to require more frequent collection as necessary.
9. Gutters, downspouts and roof access ladders shall not be visible on any elevation of the building. They shall be internally mounted. Thru-wall scuppers are permitted.
10. The façade shall not be painted or altered without the expressed approval of the Planning Department and/or Planning Commission.
11. All service doors shall be painted to match the building per the approval of the Planning Department.
12. Any ground sign shall be a maximum of 5 feet in height, including a 1-foot brick base and wrap (as shown in Exhibit A), and shall have a maximum of 32 square feet of sign area per sign face.
13. The wall signs permitted shall be those as shown on the approved architectural elevations.
14. The ground sign shall be constructed with a masonry base and wrap, to match the materials used to construct the building.

15. Prior to the issuance of a zoning permit, final cut sheet details and photometric plans for lighting of the site shall be reviewed and approved by the Planning Department. Maximum mounting height for any parking fixture shall be 25 feet, and no pole shall be located in the paved area of the parking field. Lights in the parking lot shall be reduced to no greater than 25 percent illumination level within one hour of closing.
16. All concerns of the City Engineer, Fire Department, Sanitary Engineer and the Planning Department shall be addressed and approved prior to the release of a zoning permit for the building.
17. All roof top mechanical units shall be completely screened from view from all directions with architectural features (roof forms or parapets).
18. Prior to the release of a zoning permit, the applicant shall record, with the Greene County Recorder's office, a permanent cross access and construction easement on the southeast corner of the property with the property to the east. Prior to getting the easement recorded, the applicant shall provide a draft of the easement to the Planning Department and the Law Director for review and approval.

SECTION III

These plans and all papers relating to the approved plan shall be submitted with this Resolution to City Council.

The Clerk is directed to transmit this case to City Council for further determination as required by law.

ADOPTED: September 4, 2019

VOTING FOR ADOPTION: Nicholas Loftis
Michael Self
Nathaniel Shrider

VOTING AGAINST: None

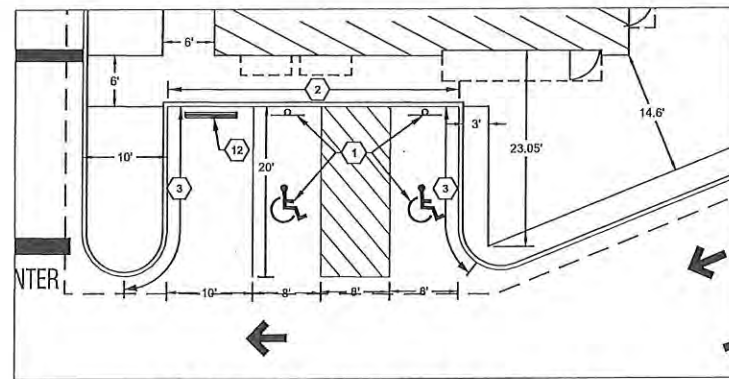
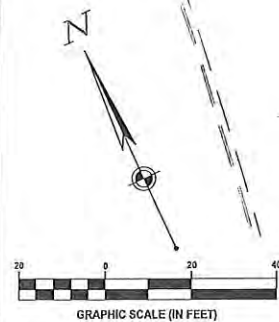
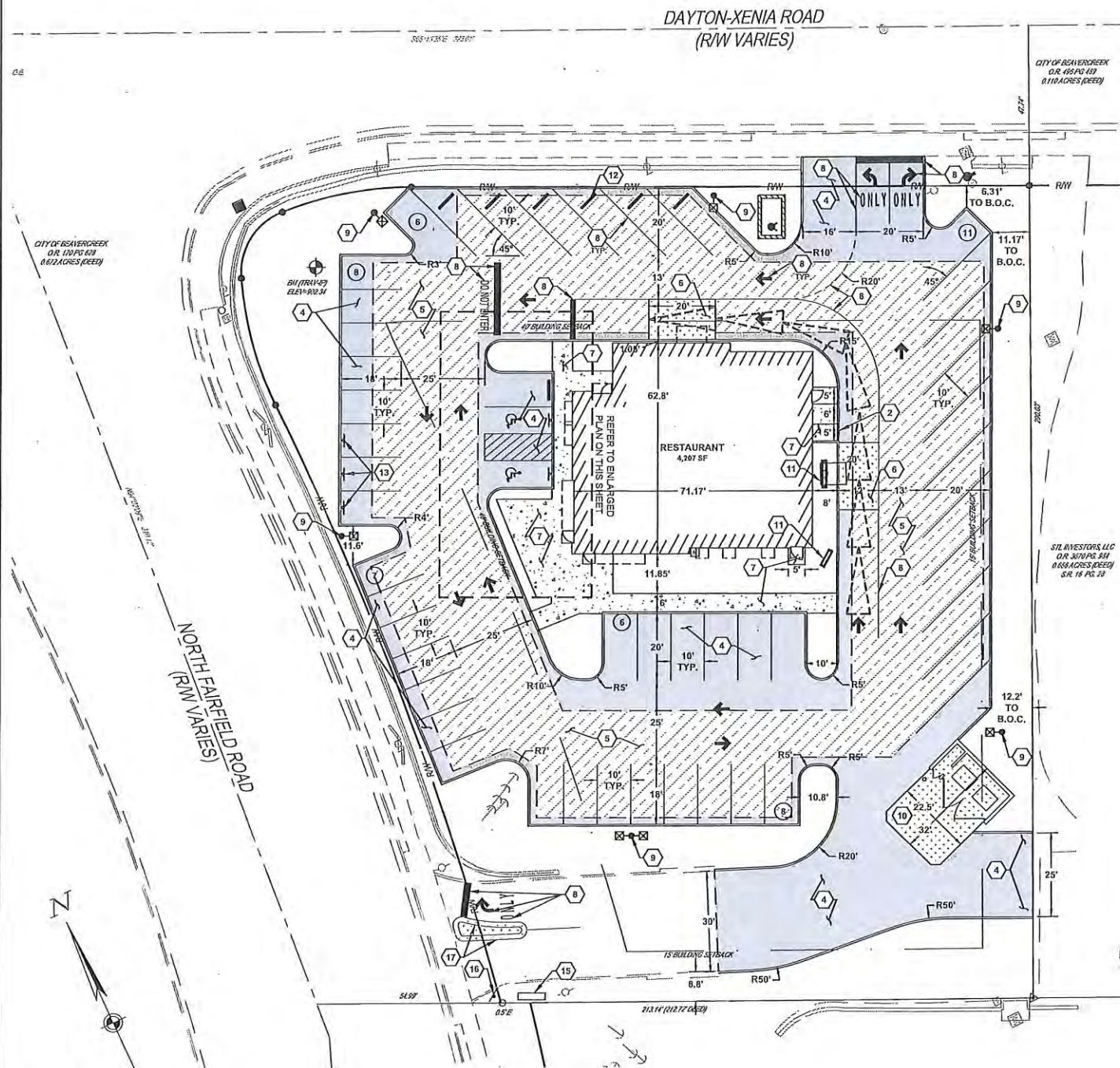
ABSENT: Alex Hight
Tiffany Schwartz

Chairman

Attest:

Exhibit A





ENLARGED PLAN: ACCESSIBLE PARKING AREA
1" = 10'

LEGEND	
EXISTING REFER TO C1.1 FOR EXISTING FEATURES LEGEND	
PROPOSED	
	BUILDING
	18" STRAIGHT CONCRETE CURB (EXCEPT WHERE NOTED)
	EDGE OF PAVEMENT/WALK
	PAVEMENT SAWCUT LINE
	ASPHALT PAVEMENT (FULL DEPTH)
	ASPHALT PAVEMENT (MILL & OVERLAY)
	CONCRETE PAVEMENT
	CONCRETE SIDEWALK
	PARKING SPACE COUNT
	ADA PARKING SIGN
	CONCRETE BOLLARD
	LIGHT POLE

- CODED NOTES:**
1. ADA ACCESSIBLE PARKING SPACE WITH SIGNAGE. REFER TO CONSTRUCTION DETAILS.
 2. FLUSH CURB.
 3. TRANSITION CURB FROM FLUSH TO FULL HEIGHT.
 4. ASPHALT PAVEMENT (FULL DEPTH), PER CONSTRUCTION DETAILS.
 5. MILL & OVERLAY EXISTING ASPHALT PAVEMENT.
 6. FUTURE CONCRETE PAVEMENT, BY TENANT. SITE CONTRACTOR TO PROVIDE 6-IN OF PREMIUM FILL IN PLACE OF CONCRETE PAVEMENT, PER G2.0 WORK LETTER ITEM #20.
 7. CONCRETE WALK, PER CONSTRUCTION DETAILS.
 8. PROPOSED PAVEMENT MARKINGS.
 9. LIGHT POLE BASE, PER CONSTRUCTION DETAILS.
 10. DUMPSTER & PAD. REFER TO ARCHITECTURAL PLANS FOR ENCLOSURE DETAILS.
 11. MENU BOARDS AND CANOPY. REFER TO ARCHITECTURAL PLANS FOR DETAILS.
 12. CONCRETE PARKING BLOCK PER CONSTRUCTION DETAILS.
 13. CURBSIDE PICK-UP SIGN, UTILIZE ADA PARKING SIGNAGE DETAIL FOR BOLLARD/POLE MOUNT.
 14. PROPOSED WAY FINDING SIGNAGE, PER ARCHITECTURAL PLAN.
 15. PROPOSED SITE IDENTIFICATION SIGN, PER ARCHITECTURAL PLAN.
 16. PROPOSED 'DO NOT ENTER' AND 'NO LEFT TURN' SIGN, PER CITY OF BEAVERCREEK AND MUTCO STANDARDS. SIGN TO BE ORIENTED TOWARD N FAIRFIELD RD SOUTHBOUND TRAFFIC
 17. PROPOSED MOUNTABLE CURB ISLAND

RECEIVED

AUG 28 2019

CITY OF BEAVERCREEK
PLANNING DEPARTMENT



FORTY-FOUR (48) HOURS BEFORE DIGGING IS TO COMMENCE, THE CONTRACTORS SHALL NOTIFY THE FOLLOWING AGENCIES: OHIO ONE CALL AT 811 OR 1-800-362-2764 AND ALL OTHER AGENCIES WHICH MIGHT HAVE UNDERGROUND UTILITIES INVOLVING THIS PROJECT AND ARE NONMEMBERS OF OHIO ONE CALL.

ARCHITECTURE 105 BROADWAY 4TH FLOOR NASHVILLE, TN 37201
ENGINEERING (P) 615.244.8170 (F) 615.244.8141
GRAPHICS www.mjmarsh.com

WWW.CESOINC.COM

CCT
BEAVERCREEK,
LLC

3825 EDWARDS ROAD
SUITE 630
CINCINNATI, OH 45209

PANERA
BREAD SHELL

BEAVERCREEK, OH

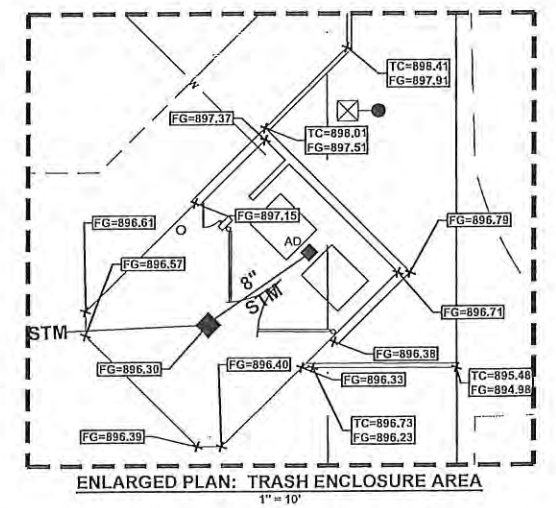
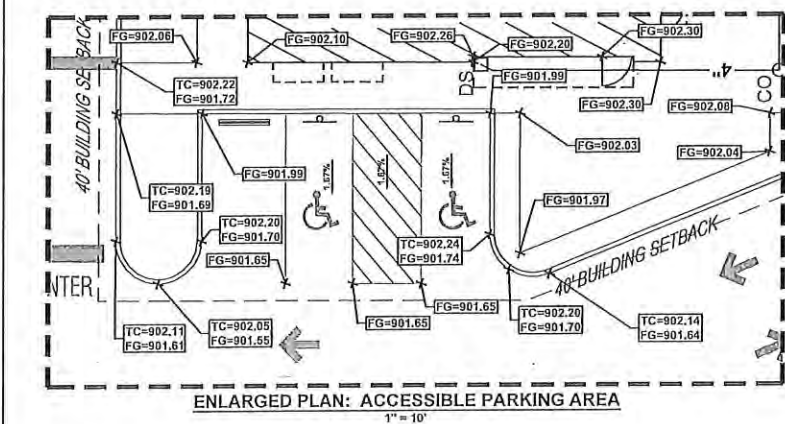
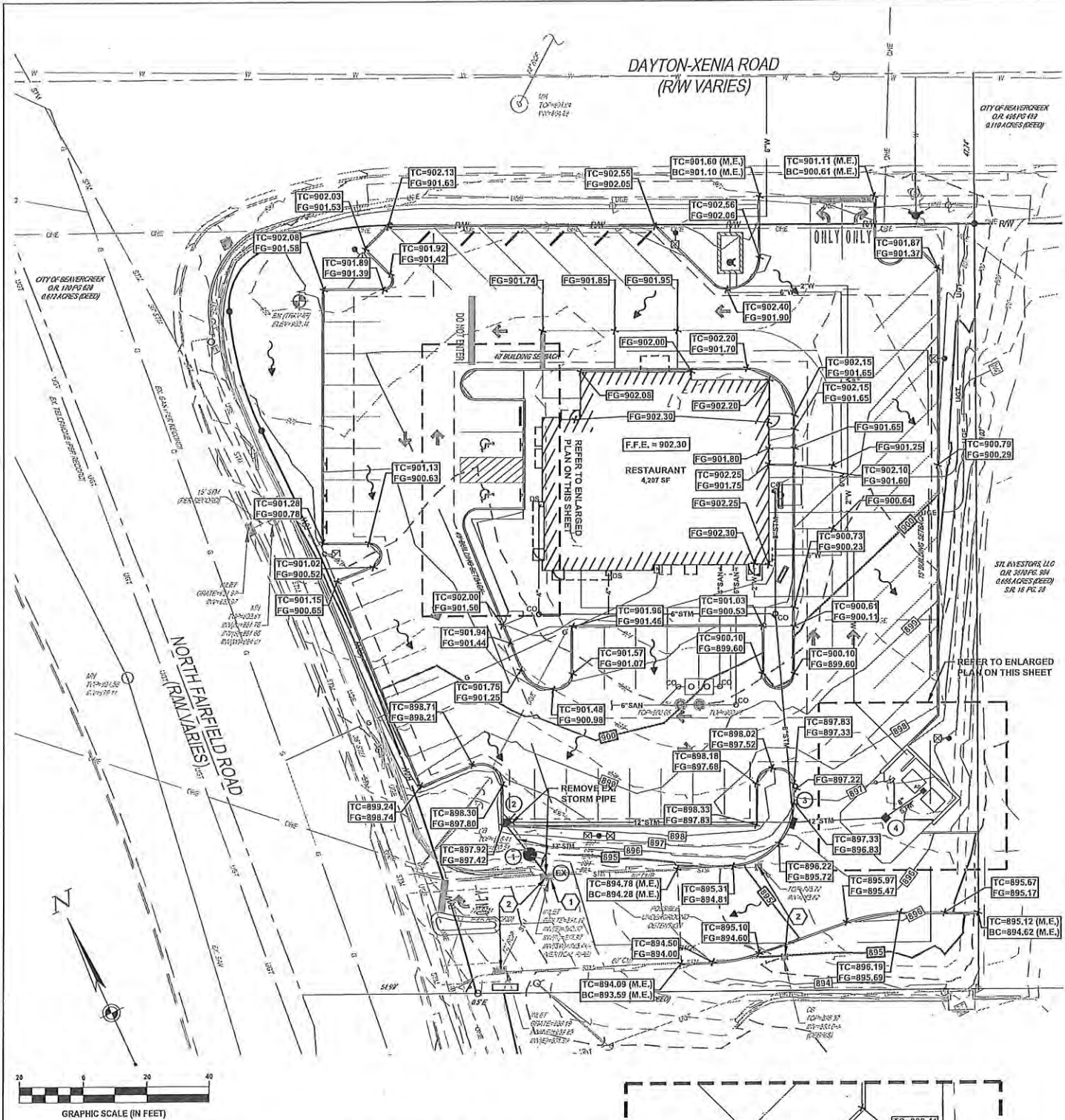
ZONING SUBMITTAL
08.28.19
18359

NO.	DESCRIPTION	DATE

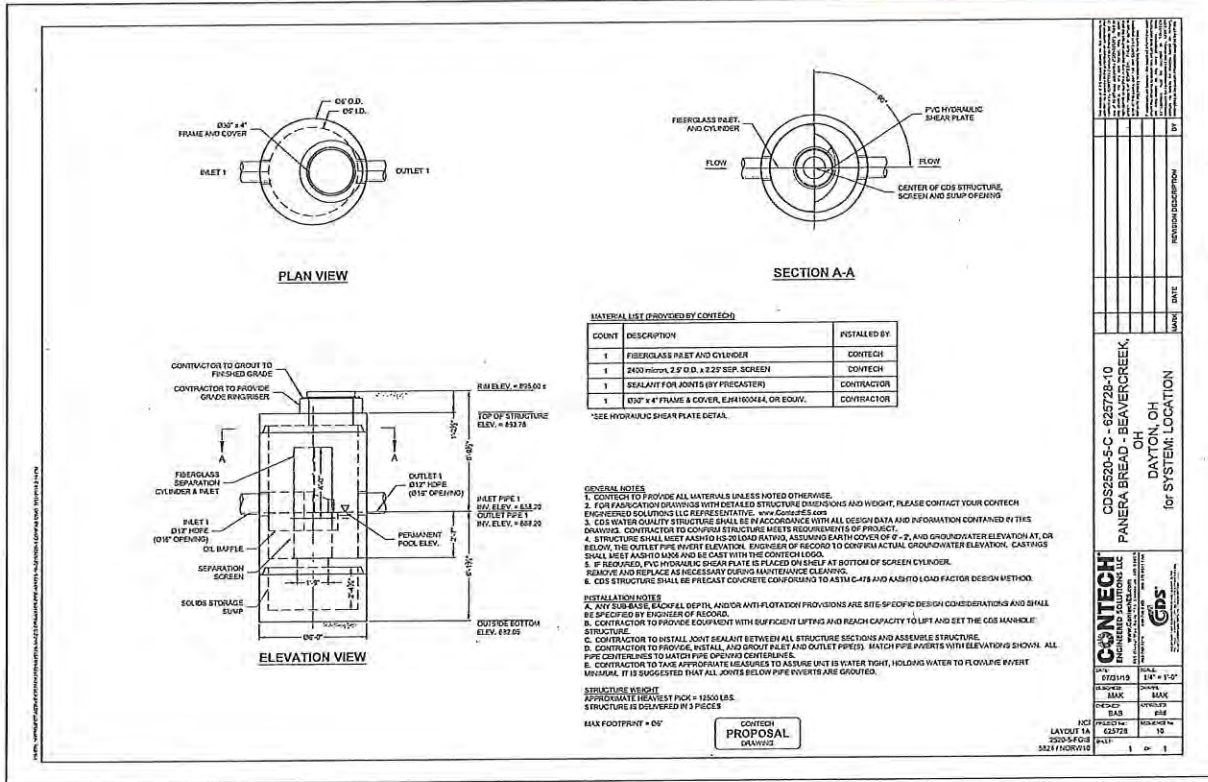
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SITE PLAN

C4.0



- CODED NOTES:**
1. CONNECT TO EXISTING.
 2. CONTRACTOR TO TV INSPECT AND CLEAN EXISTING STRUCTURE



STORM STRUCTURE SCHEDULE			
#	STRUCTURE	RIM ELEV.	PIPE INVERT
EX	EXISTING CURB INLET	891.17	EX. INV. (OUT) = 883.40 PROP. INV. 12" RCP (IN) = 887.97
1	CDS-5-C PER DETAIL, PER DETAIL ON THIS SHEET	895.00	PROP. INV. 12" RCP (OUT) = 888.20 PROP. INV. 12" RCP (IN) = 888.20
2	CATCH BASIN NO. 2-2B, PER ODOT DETAIL	897.42	PROP. INV. 12" RCP (OUT) = 888.50 PROP. INV. 12" RCP (IN) = 892.20
3	CATCH BASIN NO. 3A, PER ODOT DETAIL	897.22	PROP. INV. 12" RCP (OUT) = 884.05 PROP. INV. 12" RCP (IN) = 894.15
4	CATCH BASIN NO. 2-2B, PER ODOT DETAIL	896.30	PROP. INV. 12" RCP (OUT) = 884.42 PROP. INV. 8" HDPE (IN) = 894.42

LEGEND	
EXISTING REFER TO C1.1 FOR EXISTING FEATURES LEGEND	
PROPOSED	
	BUILDING
	MAJOR CONTOUR
	MINOR CONTOUR
	STORM SEWER
	MANHOLE
	CATCH BASIN
	AREA DRAIN
	CLEAN OUT
	DOWNSPOUT CONNECTION
	FINISHED GRADE ELEVATION
	TOP OF CURB ELEV.
	BOTTOM OF CURB ELEV.
	SLOPE ARROW
	MATCH EXISTING ELEVATION
	FLOOD ROUTE
	FLOW ARROW
	REMOVE EXIST. STRUCTURE
	ABANDON EXIST. PIPE
	CAP EXIST. PIPE

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ARCHITECTURE
PLANNING
ENGINEERING
GRAPHICS

105 BROADWAY
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NASHVILLE, TN 37201
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(615) 244.8141
www.mjmarch.com

CONSULTANTS

CCT
BEAVERCREEK, LLC

3825 EDWARDS ROAD
SUITE 630
CINCINNATI, OH 45209

OWNER

PANERA
BREAD SHELL

BEAVERCREEK, OH

LOCATION

ZONING SUBMITTAL
08.28.19
18359

DATE

NO.	DESCRIPTION	DATE

REVISIONS

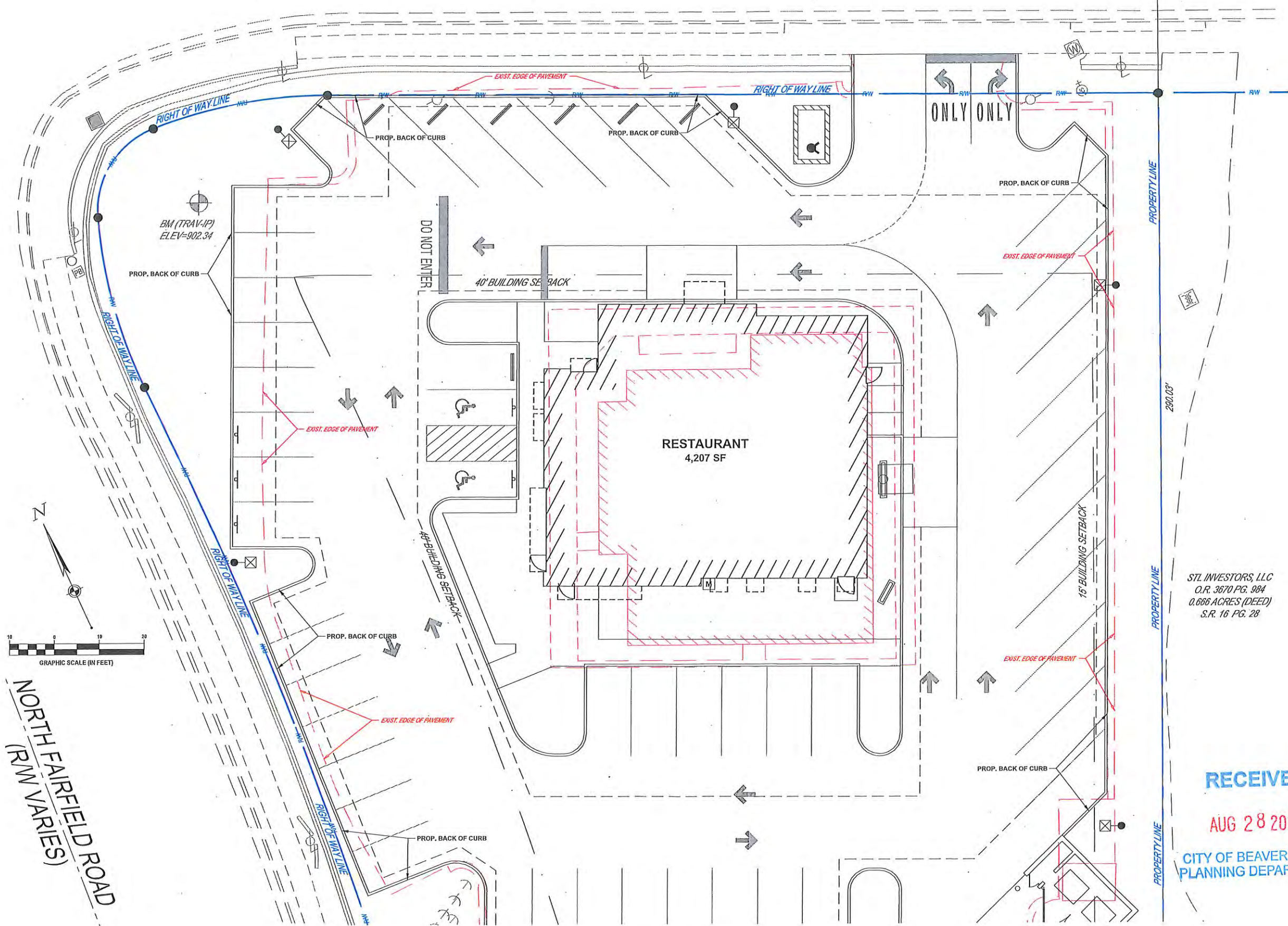
GRADING PLAN

C5.0

SHEET



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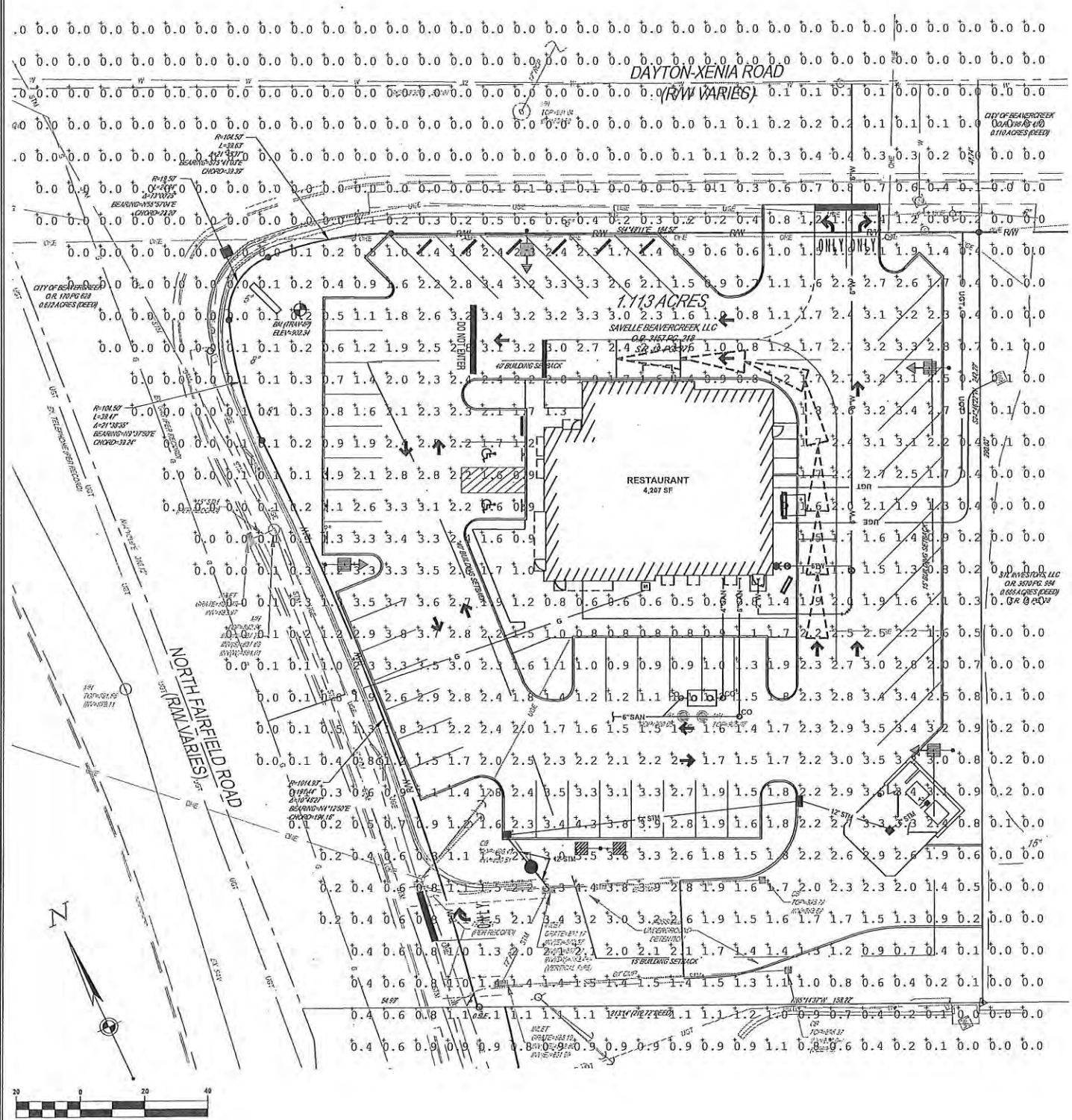
ZONING SUBMITTAL
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18359

NO.	DESCRIPTION	DATE

This drawing and the design shown is the property of the architect. The reproduction, copying or use of this drawing without their written consent is prohibited and any infringement will be subject to legal action.

PAVEMENT
LIMITS

EX-03



Calculation Summary								
Label	Units	Avg	Max	Min	Avg/Min	Max/Min	PtSpLr	PtSpTb
DRIVE THRU	Fc	1.94	3.2	0.8	2.43	4.00	10	10
PARKING	Fc	2.20	4.3	0.8	2.75	5.38		

Luminaire Schedule							
WLS11800 PANERA BREAD BEAVERCREEK, OH PM: HOLLY PLEASE EMAIL US FOR PRICING AT HOLLY@WLSLIGHTING.COM							
Symbol	Qty	Label	Lum. Lumens	LLF	Description	Lum. Watts	
	1	A	17562	0.980	WLS-CLXM-LED-18L-SIL-5W-40-70CRI 25' POLE 3' BASE	148.5	
	4	B	15715	0.980	WLS-CLXM-LED-24L-SIL-FT-40-70CRI-IL 25' POLE 3' BASE	188.8	

REVISIONS		
REV #	DATE	BY:

RECEIVED
AUG 05 2019
CITY OF BEAVERCREEK
PLANNING DEPARTMENT

BASED ON THE INFORMATION PROVIDED, ALL DIMENSIONS AND LUMINAIRE LOCATIONS SHOWN REPRESENT RECOMMENDED POSITIONS. THE ENGINEER AND/OR ARCHITECT MUST DETERMINE APPLICABILITY OF THE LAYOUT TO EXISTING OR FUTURE FIELD CONDITIONS.

THIS LIGHTING PATTERN REPRESENTS ILLUMINATION LEVELS CALCULATED FROM LABORATORY DATA TAKEN UNDER CONTROLLED CONDITIONS UTILIZING CURRENT INDUSTRY STANDARD LAMP RATINGS IN ACCORDANCE WITH ILLUMINATING ENGINEERING SOCIETY APPROVED METHODS. ACTUAL PERFORMANCE OF ANY MANUFACTURER'S LUMINAIRE MAY VARY DUE TO VARIATION IN ELECTRICAL VOLTAGE, TOLERANCE IN LAMPS AND OTHER VARIABLE FIELD CONDITIONS.



FORTY-EIGHT (48) HOURS BEFORE DIGGING IS TO COMMENCE, THE CONTRACTORS SHALL NOTIFY THE FOLLOWING AGENCIES: OHIO ONE CALL AT 811 OR 1-800-362-2764 AND ALL OTHER AGENCIES WHICH MIGHT HAVE UNDERGROUND UTILITIES INVOLVING THIS PROJECT AND ARE NONMEMBERS OF OHIO ONE CALL.

1919 WINDSOR PLAGE
FORT WORTH, TX 76110
WWW.WLSLIGHTING.COM

WLS LIGHTING
a WLS company

PANERA BREAD
BEAVERCREEK, OH

WLS-11800 DATE -6/4/19 SCALE: 1"=30' SHEET 1 OF 1

ARCHITECTURE
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BEAVERCREEK, OH

ZONING SUBMITTAL
07.31.19
18359

NO.	DESCRIPTION	DATE

PHOTOMETRIC
PLAN

C8.0

SEAL

OWNER

LOCATION

DATE

REVISIONS

SHEET

[illegible]

AUG 29 2019

CITY OF BEAVERCREEK
PLANNING DEPARTMENT

PLANT MATERIALS LIST Both Sheets

QTY.	PLANT NAME	MINIMUM INSTALLED SIZE
SHADE TREES		
7	BOWHALL RED MAPLE - <i>Acer rubrum</i> 'Bowhall' (Narrow/Upright)	2-1/2" cal., B/B 5' Clear Trunk
3	SILVER LINDEN - <i>Tilia tomentosa</i>	2-1/2" cal., B/B 5' Clear Trunk
5	SKYLINE LOCUST - <i>Gleditsia tricanthos</i> f. <i>inermis</i> 'Skycole'	2-1/2" cal., B/B 5' Clear Trunk
4	SHINGLE OAK - <i>Quercus imbricaria</i>	2-1/2" cal., B/B 5' Clear Trunk
2	PATRIOT ELM - <i>Ulmus x 'Patriot'</i>	2-1/2" cal., B/B 5' Clear Trunk
4	ZELKOVA - <i>Zelkova serrata</i> 'Green Vase'	2-1/2" cal., B/B 5' Clear Trunk
ORNAMENTAL TREES		
5	SPRINGSNOW CRABAPPLE - <i>Malus Spring Snow</i> (Fruitless)	1-1/2" cal. cont. -Single Stem
3	SUGAR TYME CRABAPPLE - <i>Malus 'Sutyam'</i>	1-1/2" cal. cont. -Single Stem
EVERGREEN SHRUBS		
13	BOXWOOD - <i>Buxus x 'Green Gem'</i>	# 3 cont.
29	SHAMROCK HOLLY - <i>Ilex crenata</i> 'Shamrock'	# 3 cont.
31	SEAGREEN JUNIPER - <i>Juniperus chinensis</i> 'Seagreen'	# 3 cont.
29	CALGARY CARPET JUNIPER - <i>Juniperus sibirica</i> 'Monna'	# 3 cont.
2	BLUE ARROW JUNIPER - <i>Juniperus scopulorum</i> 'Blue Arrow'	24" ht. cont.
6	SKYROCKET JUNIPER - <i>Juniperus scopulorum</i> 'Skyrocket'	5' ht. B/B
57	GREY OWL JUNIPER - <i>Juniperus virginiana</i> 'Grey Owl'	# 3 cont.
18	DENSE YEW - <i>Taxus media densiformis</i>	24" spd. B/B
5	LEATHERLEAF VIBURNUM - <i>Viburnum rhytidophyllum</i> 'Alleghany'	4' ht. B/B
SHRUBS & GRASSES		
7	ROSEGLOW BARBERRY - <i>Berberis thunbergii</i> 'Roseglow'	# 3 cont.
31	ANNABELLE HYDRANGEA - <i>Hydrangea arborescens</i> 'Annabelle'	# 3 cont.
33	RUBY SLIPPERS HYDRANGEA - <i>Hydrangea querc.</i> 'Ruby Slippers'	# 3 cont.
17	DOUBLE KNOCK OUT ROSE - <i>Rosa 'Radtkepink'</i>	# 3 cont.
8	GOLDFLAME SPIREA - <i>Spiraea bumalda</i> 'Goldflame'	# 3 cont.
8	LITTLE PRINCESS SPIREA - <i>Spiraea japonica</i> 'Little Princess'	# 3 cont.
10	FEATHER REED GRASS - <i>Calamagrostis x acutiflora</i> 'Karl Foerster'	# 3 cont.
3	LILY TURF - <i>Linopis muscan</i>	# 2 cont.
13	DWARF FOUNTAIN GRASS - <i>Pennisetum alopecuroides</i> 'Hameln'	# 3 cont.
PERENNIALS		
10	MOONBEAM COREOPSIS - <i>Coreopsis verticillata</i> 'Moonbeam'	# 2 cont.
22	PURPLE CONEFLOWER - <i>Echinacea purpurea</i>	# 2 cont.
16	BLANKET FLOWER - <i>Gaillardia x grandiflora</i> 'Goblin'	# 2 cont.
10	PURPLE CORAL BELLS - <i>Heuchera micrantha</i> 'Palace Purple'	# 1 cont.
10	PARDON ME DAYLILIES - <i>Hemerocallis x 'Pardon Me'</i>	# 2 cont.
25	HAPPY RETURNS DAYLILIES - <i>Hemerocallis x 'Happy Returns'</i>	# 2 cont.
10	STELLA D'ORO DAYLILIES - <i>Hemerocallis x 'Stella d'Or'</i>	# 2 cont.
15	MIXED DAYLILIES - <i>Hemerocallis x Various Colors</i>	# 1 cont.
18	SIBERIAN IRIS - <i>Iris sibirica</i> 'Caesar's Brother'	# 2 cont.
2	CREeping PHLOX - <i>Phlox subulata</i>	# 1 cont.
14	BLACK-EYED SUSAN - <i>Rudbeckia hirta</i>	# 2 cont.
42	AUTUMN JOY SEDUM - <i>Sedum x 'Autumn Joy'</i>	# 2 cont.
VINES		
5	BOSTON IVY - <i>Parthenocissus Incuspidata</i>	# 2 cont. Staked

LANDSCAPE CODE SITE DATA

LANDSCAPE CODE PERMITTED SUBSTITUTIONS
2 ORNAMENTAL TREES MAY BE SUBSTITUTED FOR 1 REQUIRED SHADE TREE. 2 EVERGREEN TREES MAY BE SUBSTITUTED FOR 1 REQUIRED SHADE TREE. 1 EVERGREEN TREE MAY BE SUBSTITUTED FOR 5 REQUIRED SHRUBS

TOTAL OPEN SPACE:
1.113 ac or 47,369.28 SF (- Minus Building 4,207 SF) + (- Minus Vehicle Pavement Area 25,430 SF) = 17,732
17,732 SF OPEN SPACE or 37.9% AS SHOWN

TOTAL NUMBER OF TREES PER REQUIRED OPEN SPACE
1.113 AC OR 47,369.28 SF @ 25% = 11,842.32 SF REQUIRED OPEN SPACE
11,842.32 SF REQUIRED OPEN SPACE / 2000 = 5.9 OR 6 SHADE TREES REQUIRED EXCEEDS REQUIREMENTS AS SHOWN

PARKING LOT AND STREET FRONTAGE LANDSCAPE
REQUIRED: BETWEEN THE RIGHT-OF-WAY AND THE PARKING LOT TO BE PLANTED WITH A MINIMUM OF ONE SHADE TREE
AND TEN SHRUBS PER 35 LINEAR FEET OF FRONTAGE, EXCLUDING DRIVEWAY OPENINGS.

NORTH FAIRFIELD ROAD FRONTAGE
230.91 LF (DRIVEWAY 32) = 198.91 / 35 = 5.68 OR 6 TREES REQUIRED 6 TREES AS SHOWN
5.68 X 10 = 56.8 OR 57 SHRUBS REQUIRED 61 SHRUBS AS SHOWN

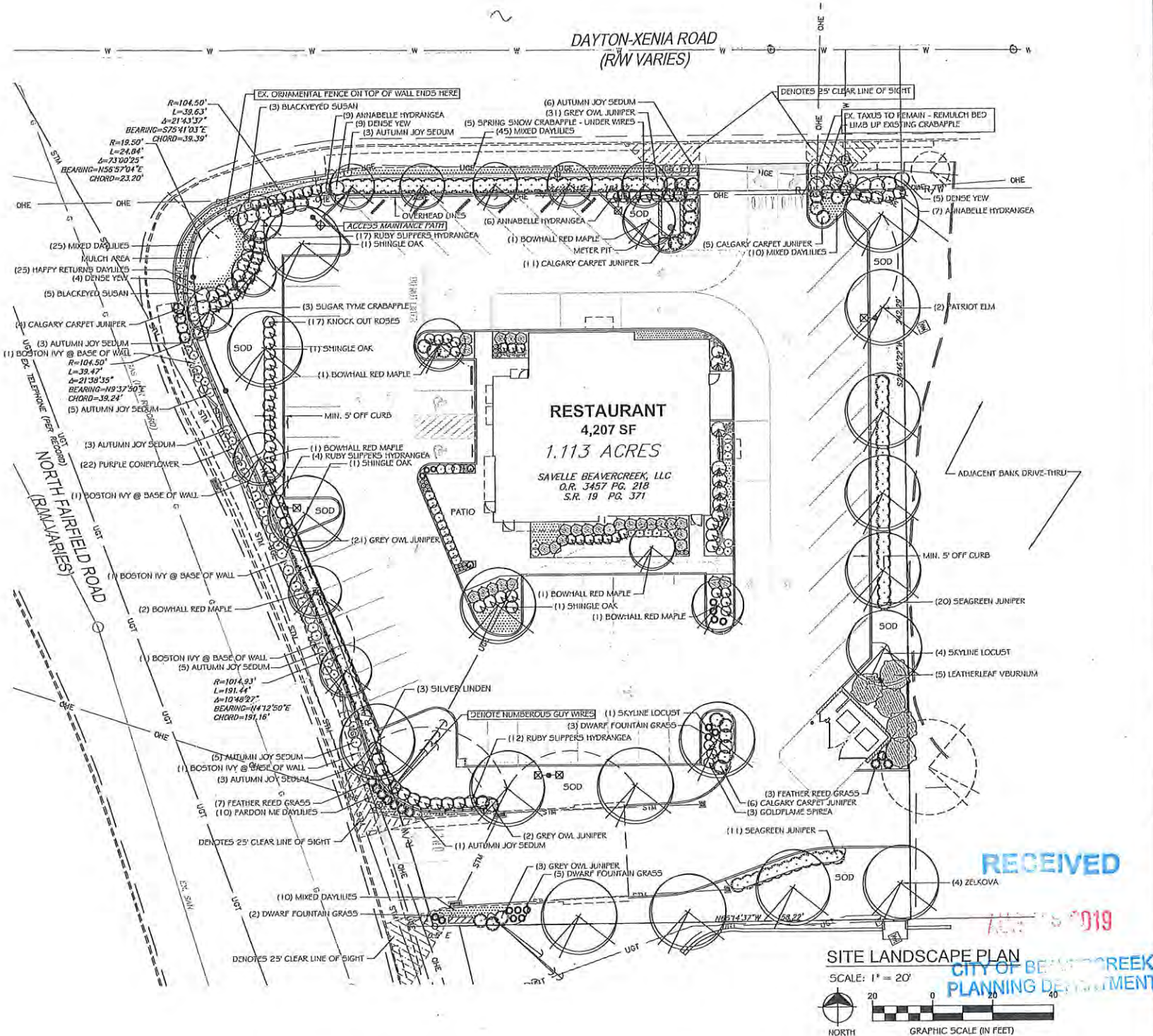
DAYTON-XENIA ROAD FRONTAGE
224.14 LF (-36' DRIVEWAY) = 188.14 LF / 35 = 5.3 OR 6 TREES REQUIRED 6 TREES AS SHOWN
(3 SHADE TREES + 6 ORNAMENTAL TREES)
5.3 X 10 = 53 SHRUBS REQUIRED 54 SHRUBS AS SHOWN

PERIMETER PARKING LANDSCAPE REQUIREMENTS
PROVIDE ONE TREE AND THREE SHRUBS PER 35 LINEAR FEET OF PARKING LOT PERIMETER ADJACENT TO A PROPERTY
LINE. ANY SHADE TREE PLANTED TO FULFILL ANOTHER REQUIREMENT OF THESE REGULATIONS, WHICH IS LOCATED
WITHIN 5 FEET OF THE EDGE OF THE PARKING LOT, OR ANY EXISTING SHADE TREE EXCEEDING FOUR INCHES CALIPER,
WHICH IS LOCATED WITHIN 15 FEET OF THE EDGE OF THE PARKING LOT, MAY COUNT TOWARD FULFILLMENT OF THIS
REQUIREMENT.

SOUTH PARKING LOT EDGE: 158.22 LF / 35 = 4.52 OR 5 TREES REQUIRED 5 TREES AS SHOWN
4.52 X 3 = 13.56 OR 14 SHRUBS REQUIRED 14 SHRUBS AS SHOWN
EAST PARKING LOT EDGE: 242.22 LF (- 24' DRIVE) = 218.22 LF / 35 = 6.23 OR 7 TREES REQUIRED 7 TREES AS SHOWN
6.23 X 3 = 18.69 OR 19 SHRUBS REQUIRED 20 SHRUBS AS SHOWN

PARKING LOT INTERIOR LANDSCAPE REQUIRED: TWO SHADE TREES WHICH SHALL BE LOCATED WITHIN 60 FEET OF
EVERY PARKING SPACE AND 75% OF ISLANDS SHALL BE PLANTED WITH PERENNIALS AND SHRUBS, NOT EXCEEDING
TWO FEET IN HEIGHT SO AS TO NOT CREATE A LINE-OF-SIGHT HAZARD. MEETS REQUIREMENTS AS SHOWN

TOTAL INTERIOR LANDSCAPE REQUIRED: (4% OF VEHICULAR USE AREA)
25,430 SF VEHICULAR AREA X 4% = 1,020 SF REQUIRED 2,510 SF AS SHOWN



LANDSCAPE REQUIREMENTS

- DIAMETERS OF PLANT MATERIALS AS DRAWN ARE REPRESENTATIVE OF PLANTS AT OR NEAR MATURITY RATHER THAN AT INITIAL PLANTING.
- THE PLANT LIST IS INTENDED AS A GUIDE FOR THE LANDSCAPE CONTRACTOR. IN THE EVENT OF DISCREPANCY BETWEEN THE NUMBER OF PLANTS ON THE PLANT LIST AND ON THE DRAWING, THE GREATER NUMBER SHALL APPLY.
- LANDSCAPE CONTRACTOR SHALL COORDINATE PLANT INSTALLATION SEQUENCE WITH IRRIGATION CONTRACTOR.
- ADJUSTMENTS IN LOCATIONS OF PLANT MATERIALS MAY BE NECESSARY DUE TO NEW OR EXISTING UTILITIES OR SITE OBSTRUCTIONS. ADVISE ARCHITECTS REPRESENTATIVE BEFORE ADJUSTMENTS ARE MADE.
- ALL SHRUBS OCCURRING IN CONTINUOUS ROW OR FORMAL ARRANGEMENT SHALL HAVE UNIFORM HEIGHT, SPREAD AND HABIT OF GROWTH. FOR PERENNIAL LOCATIONS, FILL AREA WITH QUANTITY OF PLANTS DESIGNATED; EVENLY SPACED.
- A MINIMUM OF 6" DEPTH OF NEW TOPSOIL SHALL BE PLACED IN ALL BED AREAS BY LANDSCAPE CONTRACTOR PRIOR TO PLANT INSTALLATION. BACKFILL ALL SHRUBS AND TREES WITH BACKFILL MIX OF ONE PART COMPOST MULCH TREES AND SHRUBS WITH MIN. 3" DEPTH OF SHREDDED HARDWOOD MULCH. MULCH PERENNIALS WITH 2" DEPTH OF MULCH. MULCH SHALL EXTEND IN A CONTINUOUS LAYER WITHIN PLANTING BEDS FROM FACE TO FACE OF SITE STRUCTURES - WALLS, BUILDING, CURBS, OR OTHER PLANT BED LIMITS.
- ALL BED EDGES SHALL BE SPREAD OUT AND CLOSELY ALIGN AS POSSIBLE WITH EDGES AS SHOWN ON DRAWING. KEEP MULCH A MIN. 1/2" BELOW ADJACENT PAVED SURFACES.
- SEED OR SOD ALL LAWN DISTURBED AREAS WITHIN PROJECT LIMITS AS NOTED ON CIVIL DRAWINGS; INCLUDING CUT TO PAVEMENT EDGES. REFER TO CIVIL DRAWINGS AND VERIFY EXTENT WITH PROJECT ARCHITECTS REPRESENTATIVE.
- THE LANDSCAPE CONTRACTOR SHALL GUARANTEE ALL PLANT MATERIALS FOR ONE-YEAR FROM DATE OF ACCEPTANCE. PRIOR TO END OF WARRANTY PERIOD CONTRACTOR SHALL REPLACE ALL TREES, SHRUBS OR PLANTINGS NOT ALIVE OR IN A HEALTHY GROWING CONDITION.

DESIGN-BUILD IRRIGATION REQUIREMENTS

- THE IRRIGATION CONTRACTOR SHALL DESIGN, FURNISH AND INSTALL AN UNDERGROUND IRRIGATION SYSTEM INCLUDING ALL LABOR, MATERIALS, EQUIPMENT AND SERVICES FOR A COMPLETE AND OPERABLE SYSTEM. SHRUB BEDS AND LAWN AREAS MUST BE ON SEPARATE ZONES PROVIDING A MINIMUM OF 95% COVERAGE. VERIFY EXTENT OF IRRIGATION WITH PROJECT MANAGER.
- IRRIGATION CONTRACTOR SHALL VERIFY CONTROLLER LOCATION WITH PROJECT MANAGER.
- THE IRRIGATION CONTRACTOR WILL BE RESPONSIBLE FOR THE EXCAVATION AND BACKFILL FOR THE SYSTEM INSTALLATION, INCLUDING ANY SETTING THAT MAY OCCUR.
- THE IRRIGATION CONTRACTOR SHALL FURNISH AN AS-BUILT DRAWING TO THE OWNER UPON COMPLETION AND ACCEPTANCE OF THE WORK.
- RELATED WORK BY OTHERS: THE FOLLOWING ITEMS ARE TO BE FURNISHED AND INSTALLED BY OTHERS. VERIFY WITH THE GENERAL CONTRACTOR.
 - ELECTRICAL STUD OUT FOR CONTROLLER BY ELECTRICAL CONTRACTOR.
 - WATER TAP AND STUB OUT BY PLUMBING CONTRACTOR.
 - IRRIGATION CONTRACTOR TO DETERMINE LOCATIONS FOR PROPOSED SLEEVES UNDER PAVEMENTS. SLEEVES SHALL BE FURNISHED AND INSTALLED BY THE GENERAL CONTRACTOR.

LANDSCAPE ARCHITECT:
YELLOW SPRINGS DESIGN
PO Box 472 205 PARK MEADOWS DR.
YELLOW SPRINGS, OHIO 45397
(610) 937.767.8199 (M) 937.654.8199
yellowspringsdesign@gmail.com
LICENSED IN: OH, KY, PA, IL, IN, MS, MI, VA, TX, OK, AZ & UT



FORTY-EIGHT (48) HOURS BEFORE DIGGING IS TO COMMENCE, THE CONTRACTORS SHALL NOTIFY THE FOLLOWING AGENCIES: OHIO ONE CALL AT 811 OR 1-800-362-2764 AND ALL OTHER AGENCIES WHICH MIGHT HAVE UNDERGROUND UTILITIES INVOLVING THIS PROJECT AND ARE NONMEMBERS OF OHIO ONE CALL.



ARCHITECTURE 105 BROADWAY
PLANNING 4TH FLOOR
ENGINEERING NASHVILLE, TN 37201
GRAPHICS (p) 615.244.8170
(f) 615.244.8141
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CCT
BEAVERCREEK, LLC

3825 EDWARDS ROAD
SUITE 630
CINCINNATI, OH 45209

PANERA
BREAD SHELL
BEAVERCREEK, OH

08.30.19
18359

NO.	DESCRIPTION	DATE

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LANDSCAPE PLAN

C8.0



CCT
BEAVERCREEK, LLC

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SUITE 630
CINCINNATI, OH 45209

PANERA
BREAD SHELL

BEAVERCREEK, OH

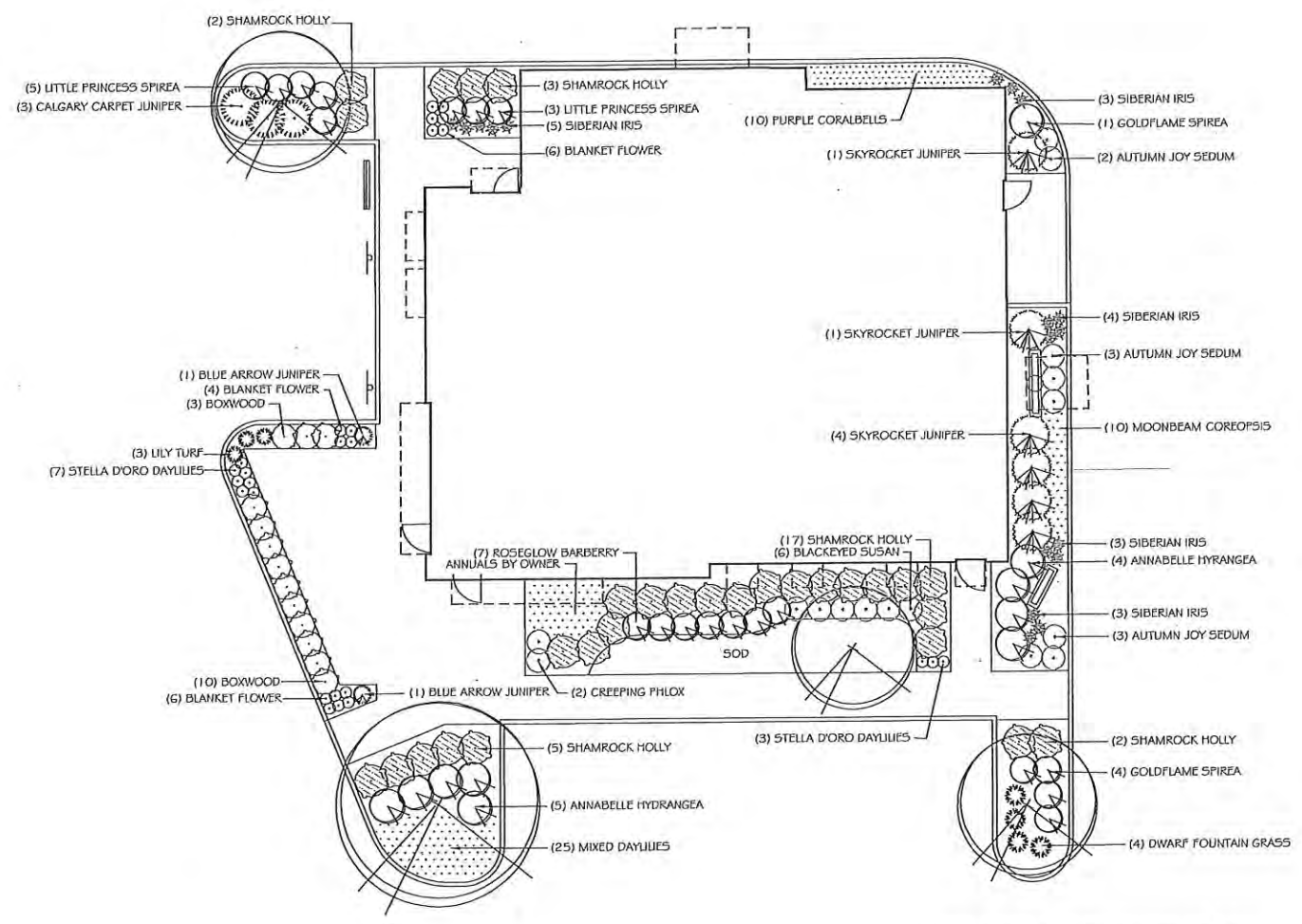
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18359

NO.	DESCRIPTION	DATE

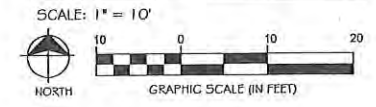
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BUILDING
LANDSCAPE PLAN

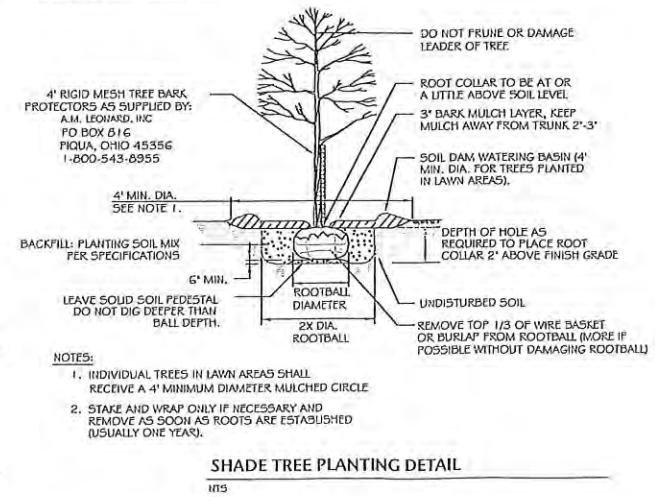
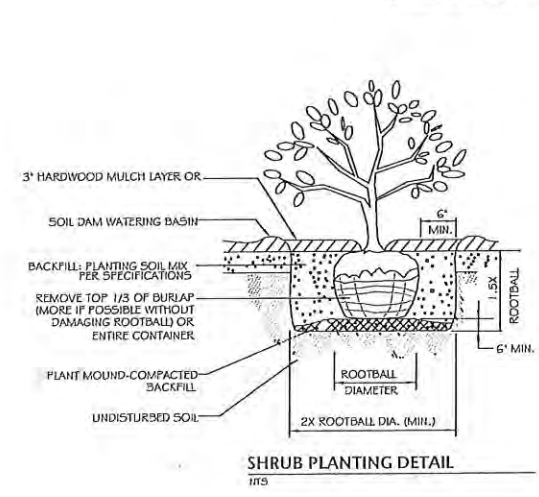
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BUILDING LANDSCAPE PLAN



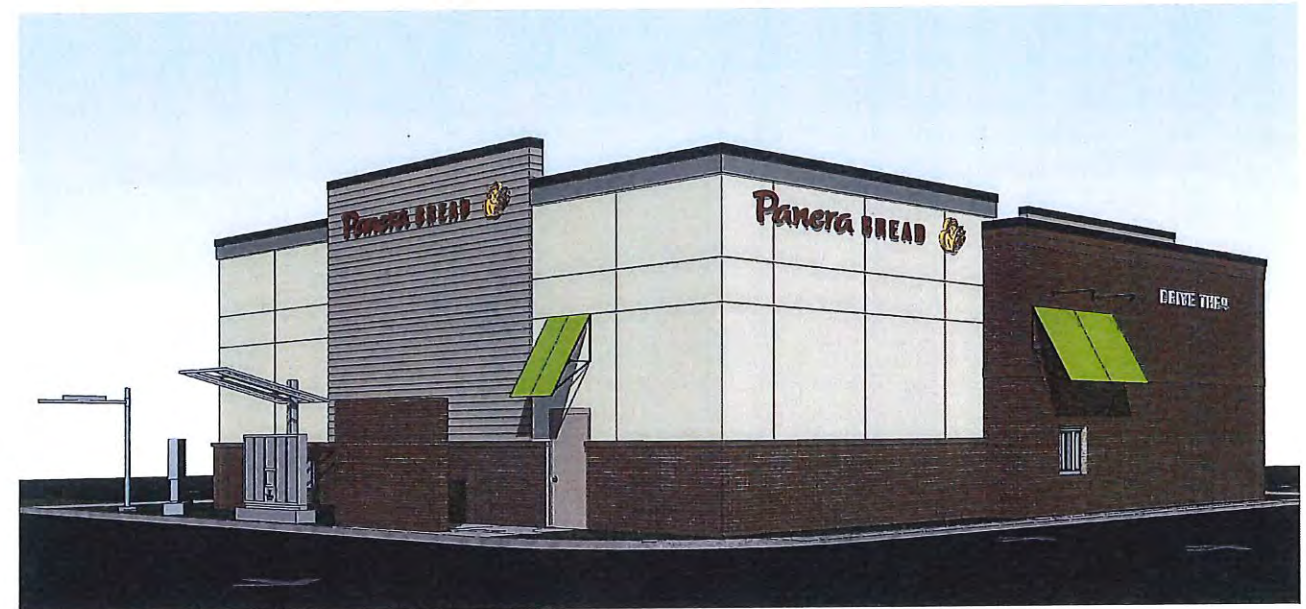
PLANT INSTALLATION DETAILS



LANDSCAPE ARCHITECT:
YELLOW SPRINGS DESIGN
PO Box 472 205 PARK MEADOWS DR.
YELLOW SPRINGS, OHIO 45387
(O) 937.767.8199 (H) 937.654.8199
yellowspringsdesign@blawoluh.com
LICENSED IN: OH, KY, PA, IN, IL, MS,
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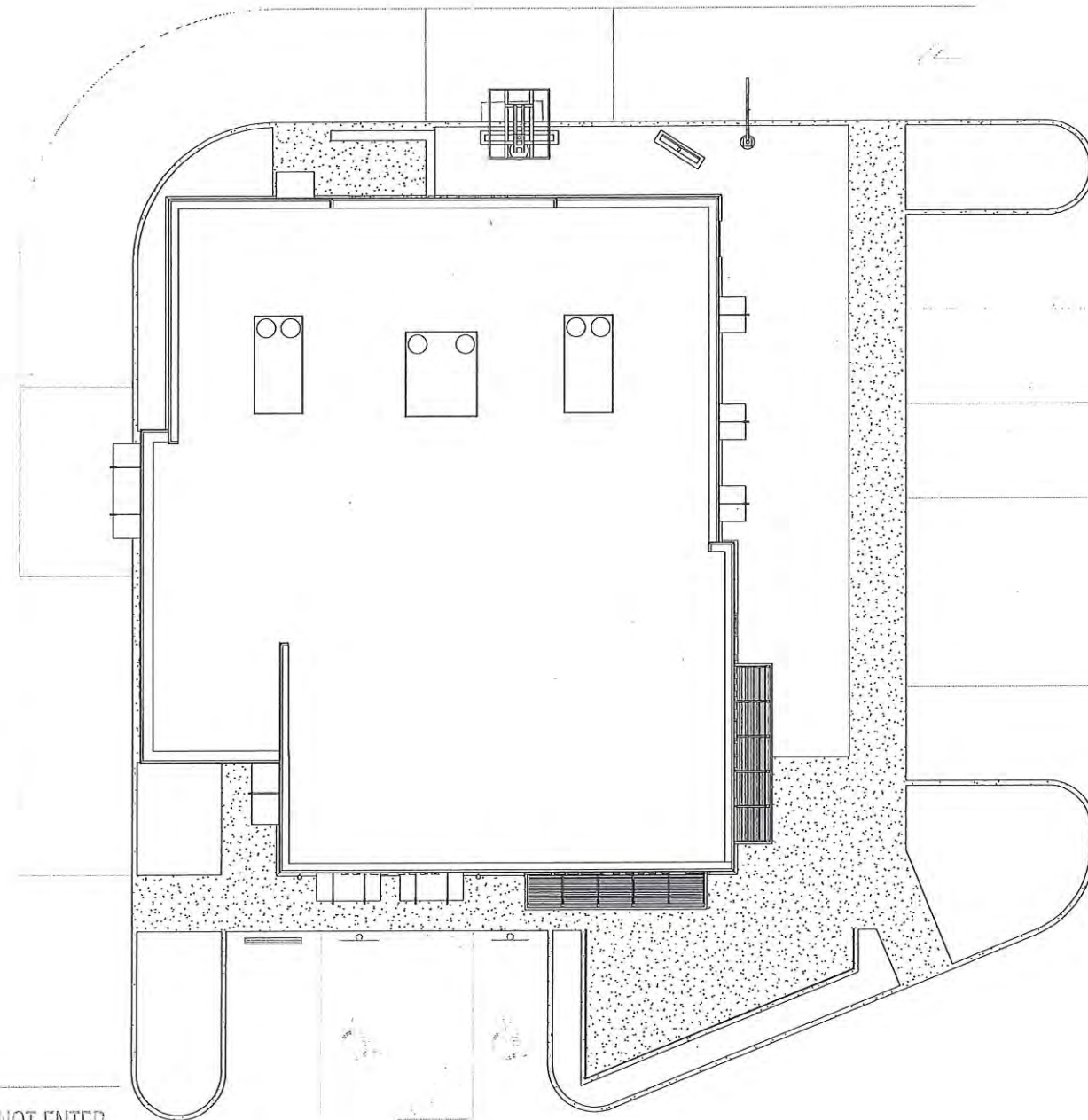
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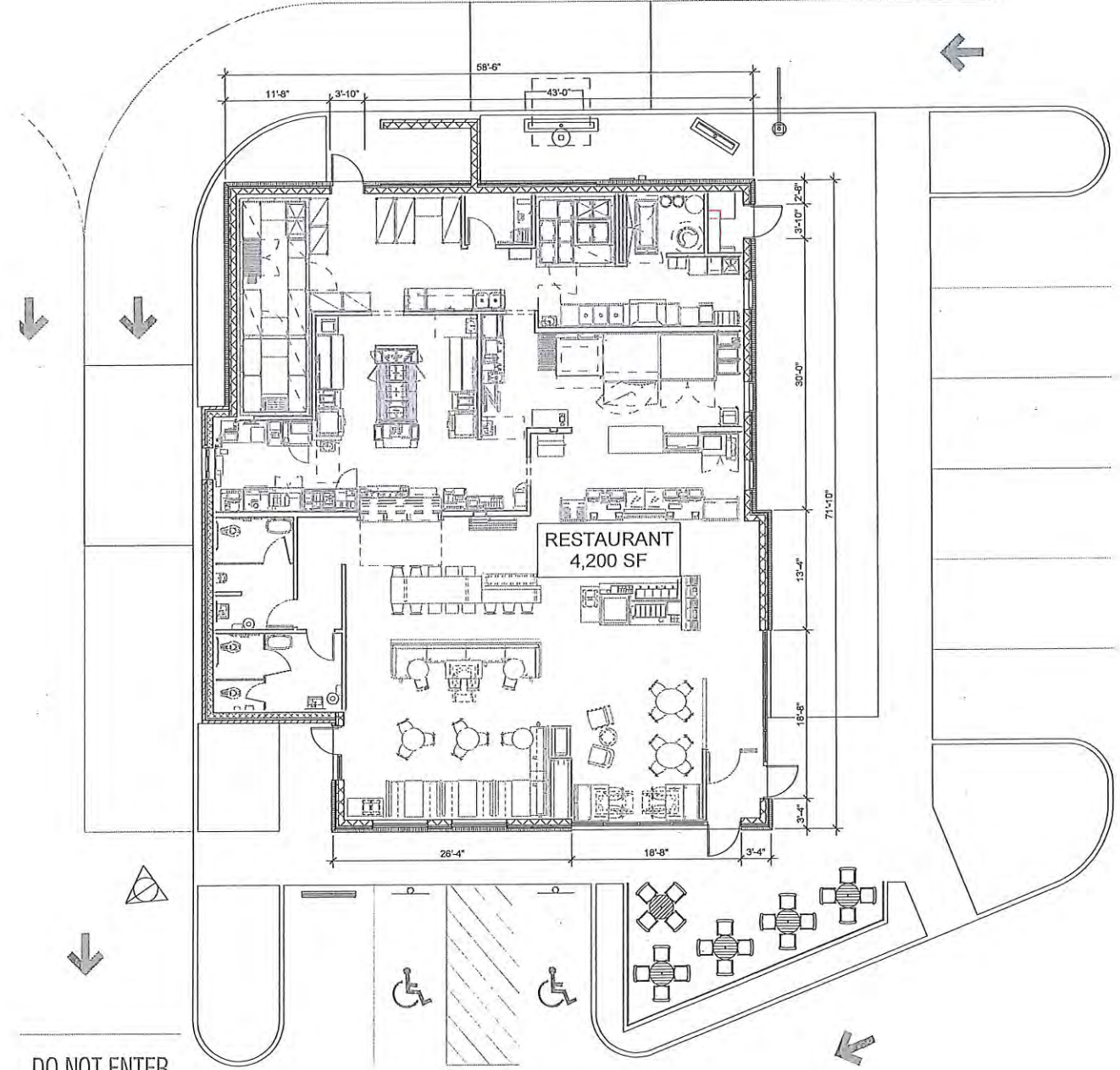
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② SD - ROOF PLAN
1/8" = 1'-0"



① FLOOR PLAN
1/8" = 1'-0"



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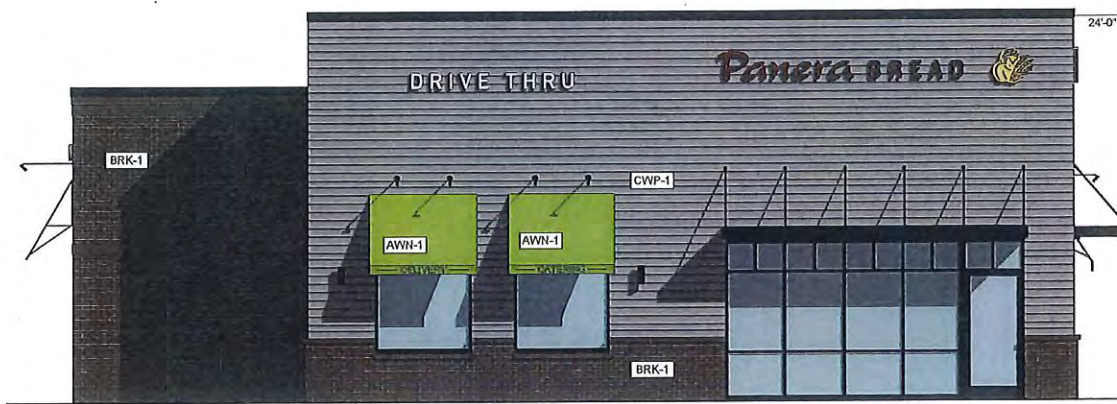
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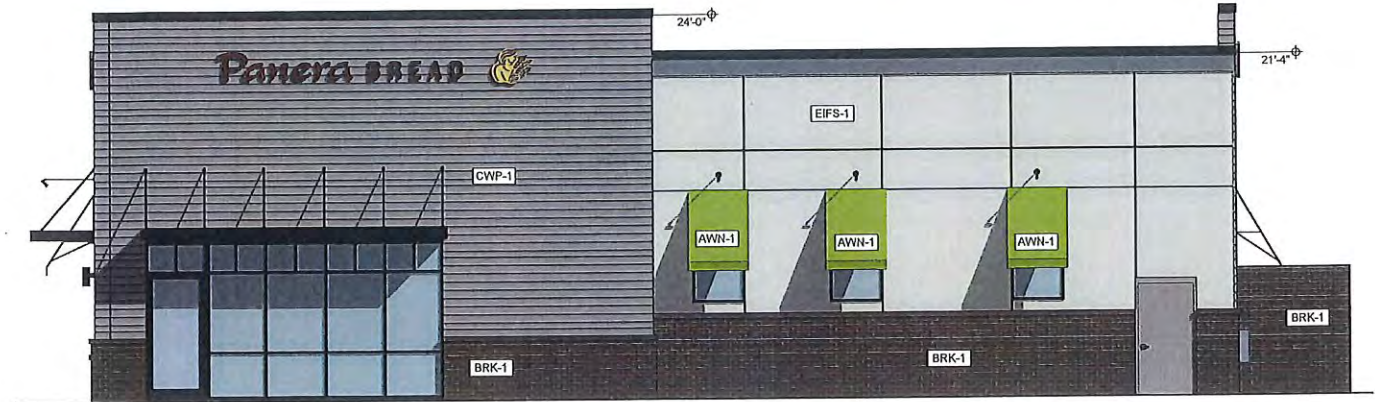
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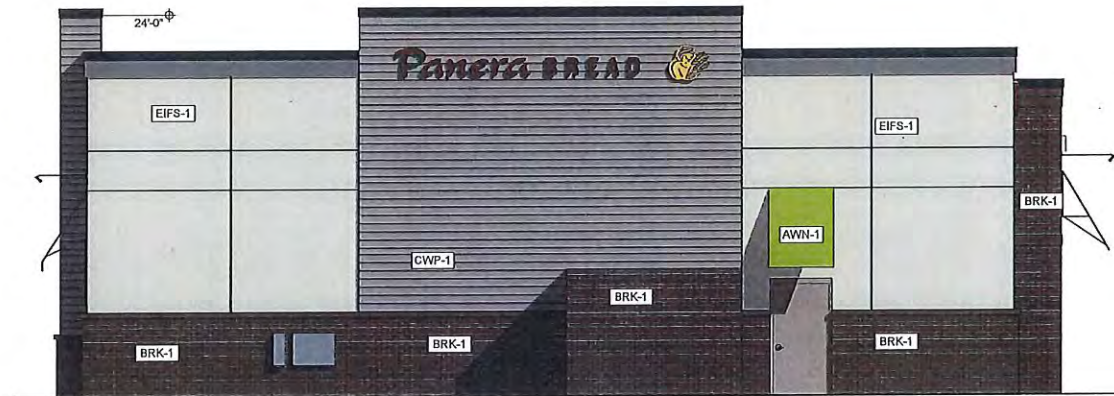
Anchor
RETAIL
SOLUTIONS



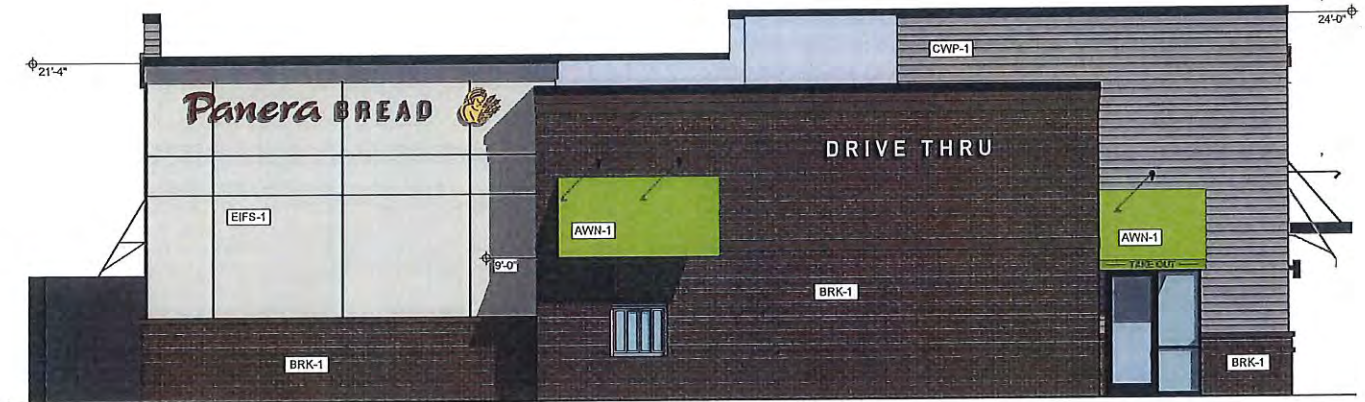
① COLOR - FRONT ELEVATION (WEST)
3/16" = 1'-0"



② COLOR - SIDE ELEVATION A (SOUTH)
3/16" = 1'-0"



③ COLOR - REAR ELEVATION (EAST)
3/16" = 1'-0"



④ COLOR - SIDE ELEVATION B (NORTH)
3/16" = 1'-0"

EXTERIOR FINISH SCHEDULE				
MARK	MATERIAL	MANUFACTURER	COLOR	REMARKS
AWN-1	FABRIC AWNING	SUNBRELLA	UNITY LEAF	BY TENANT.
BRK-1	BRICK VENEER	ENDICOTT	DARK SANDSTONE	VELOUR RUNNING BOND
CPNG-1	7" PREFINISHED MTL COPING	CARLISLE OR EQUAL	MATTE BLACK	
CWP-1	COMPOSITE WOOD SIDING	BORAL	BENJAMIN MOORE - WIEMERINER	TRUEXTERIOR 1x8 NICKLE GAP
EIFS-1	DRAINABLE EIFS	DRYVIT OR EQUAL	BENJAMIN MOORE - 955 - BERBER WHITE	TEXTURE: SANDPEBBLE FINE DPR
EIFS-3	DRAINABLE EIFS	DRYVIT OR EQUAL	MATCH DRYVIT - 255 - "TIN MAN"	TEXTURE: REFLECTIT
STF-1	ALUM AND GLASS STOREFRONT SYSTEM	PPG	BLACK	AAMA - 2505, Medium Gloss



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① MONUMENT
1/2" = 1'-0"

FULL HEIGHT TIMBER TECH COMPOSITE DECKING
W/ CEDAR FINISH FASTENED TO PT BLOCKING

BRK-1

See
Aug
28th
Plans



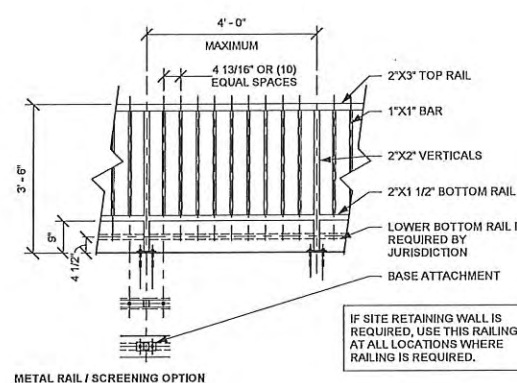
② TRASH
1/2" = 1'-0"



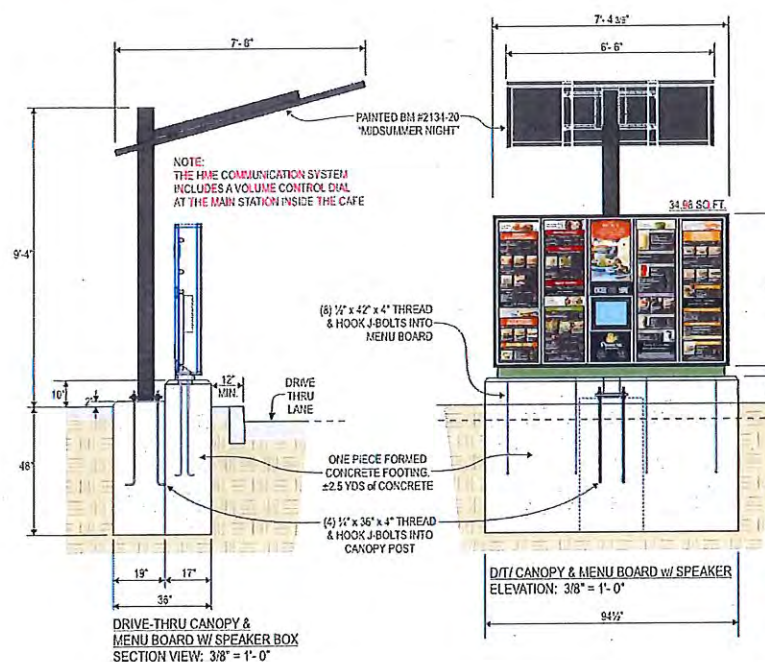
MANUFACTURER: AMERISTAR FENCE
STYLE: ECHELON PLUS 3/4 RAIL
MAJESTIC
PANEL HEIGHT: 42"

ALL CONNECTIONS ARE WELDED
EXCEPT
BASE ATTACHMENT. ALL WELDS TO BE
CONTINUOUS AND GROUND SMOOTH.
ANY GAPS TO BE FILLED.

PAINT COLOR OPTIONS ARE BLACK
POWDER COATED ALUMINUM,
COLOR TO MATCH DRIVE THRU
ACCESSORIES



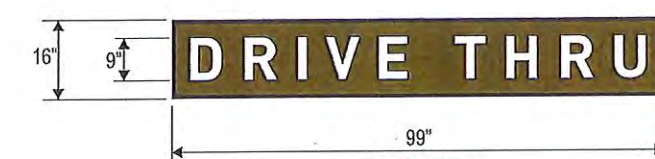
③ PATIO RAILING
1/2" = 1'-0"



SIGN #1



SIGN #2



11.0 SQ. FT.

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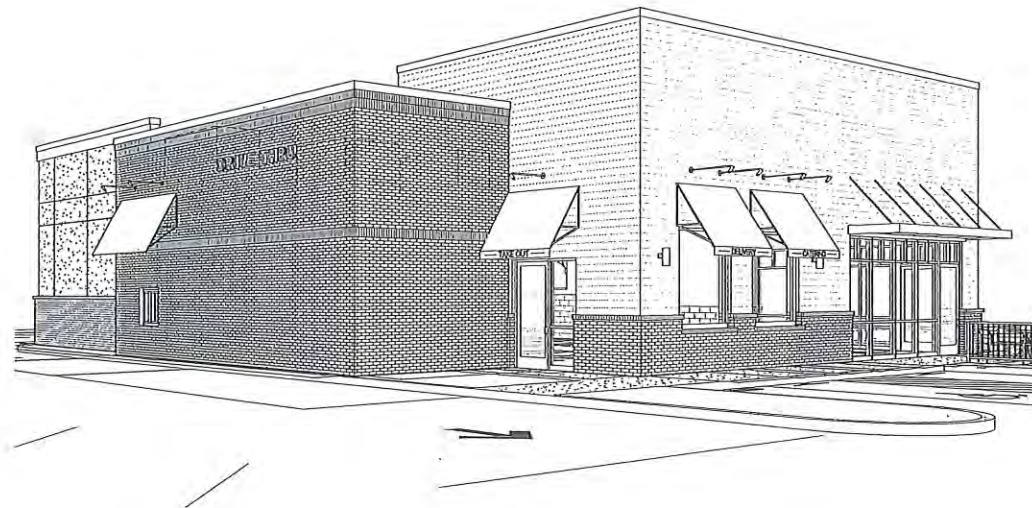
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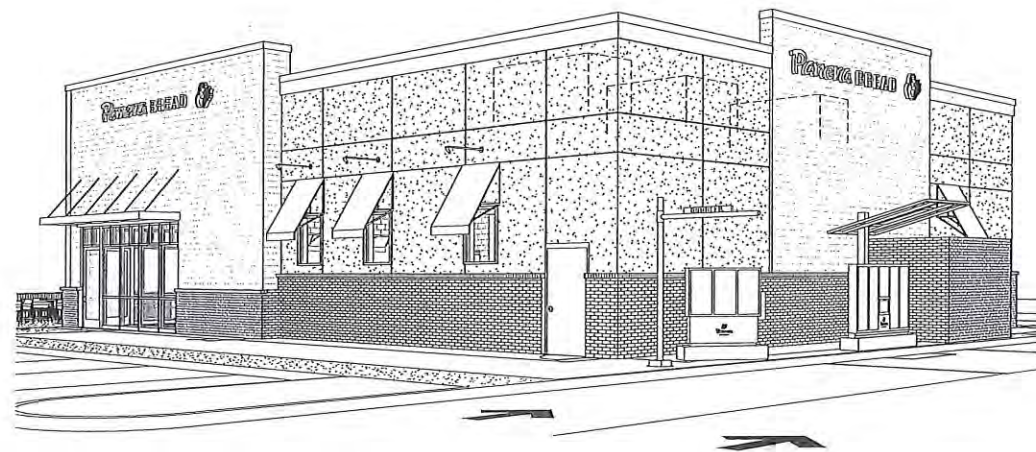
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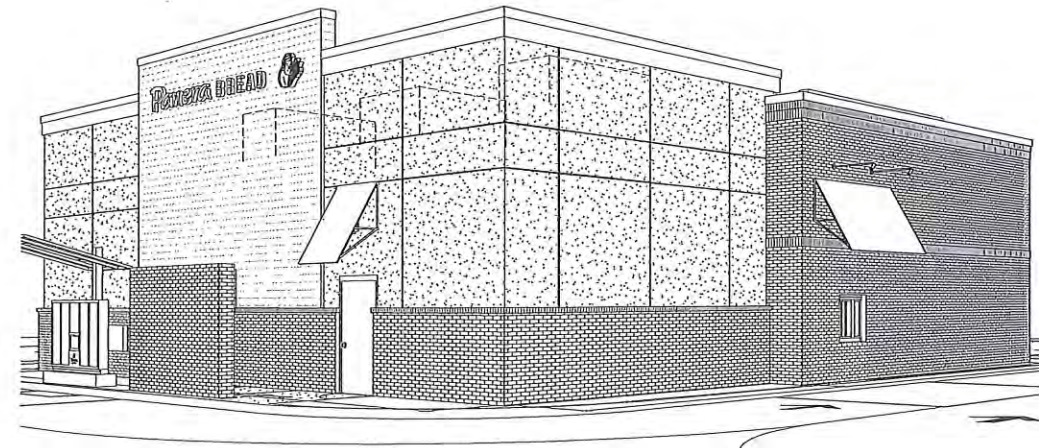
① SIGHT LINE 01 NW CORNER



② SIGHT LINE 02 SW CORNER



③ SIGHT LINE 03 SE CORNER



④ SIGHT LINE 04 NE CORNER

RTUs SHOWN-DASHIED IN

SIGHT LINE STUDY

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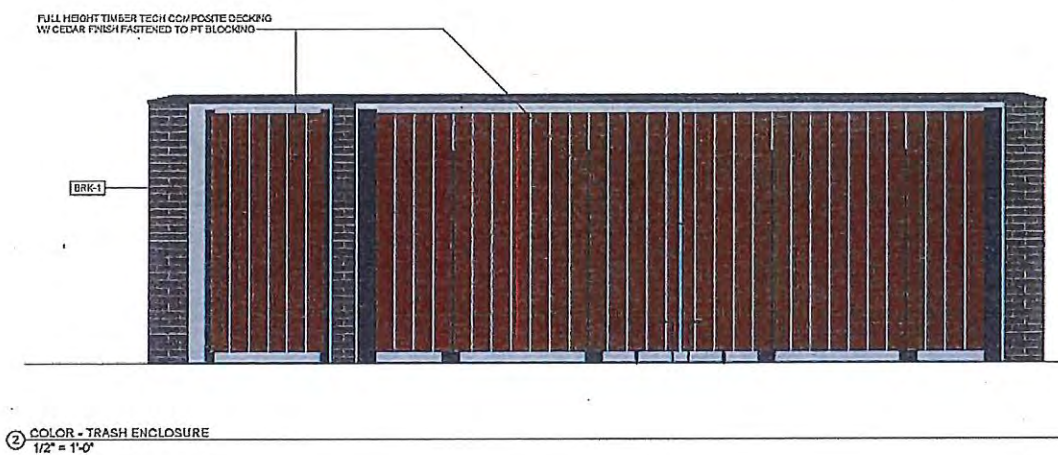
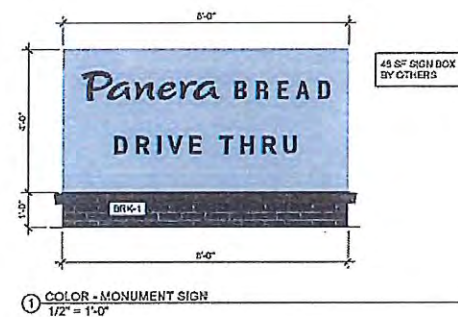
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CITY OF BEAVERCREEK
PLANNING DEPARTMENT



ORDINANCE NO. 19-20

CITY OF BEAVERCREEK

SPONSORED BY COUNCIL MEMBER LITTERAL ON THE 23RD DAY OF SEPTEMBER, 2019.

AN ORDINANCE REPEALING CHAPTER 137 "WEAPONS CONTROL" OF THE CITY OF BEAVERCREEK CODE OF ORDINANCES AND ADOPTING NEW CHAPTER 137 "WEAPONS CONTROL" OF THE CITY OF BEAVERCREEK CODE OF ORDINANCES.

WHEREAS, The 132nd General Assembly of the State of Ohio enacted House Bill 228, effective March 28, 2019 (with certain provisions effective December 28, 2019) in regards to self-defense and handling firearms; and

WHEREAS, the City Council has determined that it would be in the best interest of the City to amend its Code of Ordinances to reflect the State of Ohio statutory changes presented with the passage of House Bill 228; and

WHEREAS, City Council hereby repeals Chapter 137 "Weapons Control" of the Codified Ordinances and hereby adopts new Chapter 137 "Weapons Control".

NOW, THEREFORE, THE CITY OF BEAVERCREEK, COUNTY OF GREENE, OHIO, HEREBY ORDAINS:

SECTION I.

City Council hereby accepts the recommendation of the City Mayor and Police Chief that current Chapter 137 "Weapons Control" be repealed to adopt the changes requires by HB 228.

SECTION II.

City Council hereby repeals current Chapter 137 "Weapons Control" and adopts new Chapter 137 "Weapons Control" as set forth in Exhibits A attached hereto.

SECTION III.

It is hereby found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that any and all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements, including, but not limited to Section 121.22 of the Ohio Revised Code.

SECTION IV.

This Ordinance shall take effect at the earliest date allowed by law.

SECTION III: This Ordinance shall take effect at the earliest time allowed by law.

PASSED this _____ day of _____, 2019.

Bob Stone, Mayor

ATTEST:

Dianne Miscisin, Clerk of Council

PREPARED BY: CITY ATTORNEY

SUMMARY

THIS ORDINANCE REPEALS CURRENT CHAPTER 137 "WEAPONS CONTROL" OF THE CITY OF BEAVERCREEK CODE OF ORDINANCES AND ADOPTS NEW CHAPTER 137 "WEAPONS CONTROL" OF THE CITY OF BEAVERCREEK CODE OF ORDINANCES. THIS IS NOT AN EMERGENCY ORDINANCE AND WILL BECOME EFFECTIVE THIRTY (30) DAYS AFTER PASSAGE.

EXHIBIT A

Current Chapter 137 "WEAPONS CONTROL" of the City of Beavercreek Code of Ordinances is hereby repealed, and new Chapter 137 "WEAPONS CONTROL" is hereby enacted as follows with new language in **bold** and text to be deleted in ~~strikeout~~.

§ 137.01 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ACTIVE DUTY. Has the same meaning as defined in 10 U.S.C. § 101.

ALIEN REGISTRATION NUMBER. The number issued by the United States Citizenship and Immigration Services Agency that is located on the alien's permanent resident card and may also be commonly referred to as the "USCIS number" or the "alien number".

AUTOMATIC FIREARM. Any firearm designed or specially adapted to fire a succession of cartridges with a single function of the trigger.

BALLISTIC KNIFE. A knife with a detachable blade that is propelled by a spring-operated mechanism.

CONCEALED HANDGUN LICENSE or LICENSE TO CARRY A CONCEALED HANDGUN .

(1) Means, subject to division (2) of this definition, a license or temporary emergency license to carry a concealed handgun issued under R.C. § 2923.125 or R.C. § 2923.1213 or a license to carry a concealed handgun issued by another state with which the Attorney General has entered into a reciprocity agreement under R.C. § 109.69.

(2) A reference in any provision of this Code to a concealed handgun license issued under R.C. § 2923.125 or a license to carry a concealed handgun issued under R.C. § 2923.125 means only a license of the type that is specified in that section. A reference in any provision of this Code to a concealed handgun license issued under R.C. § 2923.1213, a license to carry a concealed handgun issued under R.C. § 2923.1213, or a license to carry a concealed handgun on a temporary emergency basis means only a license of the type that is specified in R.C. § 2923.1213. A reference in any provision of this Code to a concealed handgun license issued by another state or a license to carry a concealed handgun issued by another state means only a license issued by another state with which the Attorney General has entered into a reciprocity agreement under R.C. § 109.69.

DANGEROUS ORDNANCE.

(1) Any of the following, except as provided in division (2) of this definition:

(a) Any automatic or sawed-off firearm, zip-gun, or ballistic knife.

(b) Any explosive device or incendiary device.

(c) Nitroglycerin, nitrocellulose, nitrostarch, PETN, cyclonite, TNT, picric acid, and other high explosives; amatol, tritonal, tetrytol, pentolite, pectretol, cyclitol, and other high explosive compositions; plastic explosives; dynamite, blasting gelatin, gelatin dynamite, sensitized ammonium nitrate, liquid-oxygen blasting explosives, blasting powder, and other blasting agents; and any other explosive substance having sufficient brisance or power to be particularly suitable for use as a military explosive, or for use in mining, quarrying, excavating, or demolitions.

(d) Any firearm, rocket launcher, mortar, artillery piece, grenade, mine, bomb, torpedo, or similar weapon, designed and manufactured for military purposes, and the ammunition for that weapon.

- (e) Any firearm muffler or suppressor.
- (f) Any combination of parts that is intended by the owner for use in converting any firearm or other device into a dangerous ordnance.

(2) *DANGEROUS ORDNANCE* does not include any of the following:

(a) Any firearm, including a military weapon and the ammunition for that weapon, and regardless of its actual age, that employs a percussion cap or other obsolete ignition system, or that is designed and safe for use only with black powder.

(b) Any pistol, rifle, or shotgun, designed or suitable for sporting purposes, including a military weapon as issued or as modified, and the ammunition for that weapon, unless the firearm is an automatic or sawed-off firearm.

(c) Any cannon or other artillery piece that, regardless of its actual age, is of a type in accepted use prior to 1887, has no mechanical, hydraulic, pneumatic, or other system for absorbing recoil and returning the tube into battery without displacing the carriage, and is designed and safe for use only with black powder.

(d) Black powder, priming quills, and percussion caps possessed and lawfully used to fire a cannon of a type defined in division (2)(c) of this definition during displays, celebrations, organized matches or shoots, and target practice, and smokeless and black powder, primers, and percussion caps possessed and lawfully used as a propellant or ignition device in small-arms or small-arms ammunition.

(e) Dangerous ordnance that is inoperable or inert and cannot readily be rendered operable or activated, and that is kept as a trophy, souvenir, curio, or museum piece.

(f) Any firearm with an overall length of at least twenty-six inches that is approved for sale by the federal bureau of alcohol, tobacco, firearms and explosives under the "Gun Control Act of 1968," 82 Stat. 1213, 18 U.S.S. 921(a)(3), but that is found by the bureau not to be regulated under the "National Firearms Act," 68A Stat. 725 (9134), 26 U.S.C. 5845(a).

~~(f) Any device that is expressly excepted from the definition of a destructive device pursuant to the Gun Control Act of 1968, 18 USC 921(a)(4), as amended, and regulations issued under that act.~~

DEADLY WEAPON. Any instrument, device, or thing capable of inflicting death, and designed or specially adapted for use as a weapon, or possessed, carried, or used as a weapon.

EXPLOSIVE. Any chemical compound, mixture, or device, the primary or common purpose of which is to function by explosion. *EXPLOSIVE* includes all materials that have been classified as division 1.1, division 1.2, division 1.3, or division 1.4 explosives by the United States Department of Transportation in its regulations and includes, but is not limited to, dynamite, black powder, pellet powders, initiating explosives, blasting caps, electric blasting caps, safety fuses, fuse igniters, squibs, cordeau detonant fuses, instantaneous fuses, and igniter cords and igniters. *EXPLOSIVES* does not include "fireworks," as defined in R.C. § 3743.01, or any substance or material otherwise meeting the definition of explosive set forth in this section that is manufactured, sold, possessed, transported, stored, or used in any activity described in R.C. § 3743.80, provided the activity is conducted in accordance with all applicable laws, rules, and regulations, including, but not limited to, the provisions of R.C. § 3743.80 and the rules of the Fire Marshal adopted pursuant to R.C. § 3737.82.

EXPLOSIVE DEVICE. Any device designed or specially adapted to cause physical harm to persons or property by means of an explosion, and consisting of an explosive substance or agency and a means to detonate it. *EXPLOSIVE DEVICE* includes without limitation any bomb,

any explosive demolition device, any blasting cap or detonator containing an explosive charge, and any pressure vessel that has been knowingly tampered with or arranged so as to explode.

FIREARM.

(1) Any deadly weapon capable of expelling or propelling one or more projectiles by the action of an explosive or combustible propellant. *FIREARM* includes an unloaded firearm, and any firearm that is inoperable but that can readily be rendered operable.

(2) When determining whether a firearm is capable of expelling or propelling one or more projectiles by the action of an explosive or combustible propellant, the trier of fact may rely upon circumstantial evidence, including, but not limited to, the representations and actions of the individual exercising control over the firearm.

HANDGUN. Means any of the following:

(1) Any firearm that has a short stock and is designed to be held and fired by the use of a single hand;

(2) Any combination of parts from which a firearm of a type described in division (1) of this definition can be assembled.

INCENDIARY DEVICE. Any firebomb, and any device designed or specially adapted to cause physical harm to persons or property by means of fire, and consisting of an incendiary substance or agent and a means to ignite it.

MISDEMEANOR PUNISHABLE BY IMPRISONMENT FOR A TERM EXCEEDING ONE YEAR. The phrase does not include any of the following:

(1) Any federal or state offense pertaining to antitrust violations, unfair trade practices, restraints of trade, or other similar offenses relating to the regulation of business practices;

(2) Any misdemeanor offense punishable by a term of imprisonment of two years or less.

SAWED-OFF FIREARM. A shotgun with a barrel less than 18 inches long, or a rifle with a barrel less than 16 inches long, or a shotgun or rifle less than 26 inches long overall. **“Sawed-off firearm” does not include any firearm with an overall length of at least twenty-six inches that is approved for sale by the federal bureau of alcohol, tobacco, firearms and explosive under the “Gun Control Act of 1968,” 82 Stat. 1213, 18 U.S.S. 921(a)(3), but that found by the bureau not to be regulated under the “National Firearms Act,” 68A Stat. 725 (1934), 26 U.S.C. 5845(a).**

SEMI-AUTOMATIC FIREARM. Any firearm designed or specially adapted to fire a single cartridge and automatically chamber a succeeding cartridge ready to fire, with a single function of the trigger.

VALID CONCEALED HANDGUN LICENSE or VALID LICENSE TO CARRY A CONCEALED HANDGUN. A concealed handgun license that is currently valid, that is not under a suspension under R.C. § 2923.128(A)(1), under R.C. § 2923.1213, or under a suspension provision of the state other than this state in which the license was issued, and that has not been revoked under R.C. § 2923.128(B)(1), under R.C. § 2923.1213, or under a revocation provision of the state other than this state in which the license was issued.

ZIP-GUN. Any of the following:

(1) Any firearm of crude and extemporized manufacture.

(2) Any device, including without limitation a starter’s pistol, not designed as a firearm, but that is specially adapted for use as a firearm.

(3) Any industrial tool, signaling device, or safety device, not designed as a firearm, but that as designed is capable of use as such, when possessed, carried, or used as a firearm.
(R.C. § 2923.11)

§ 137.02 CARRYING CONCEALED WEAPONS.

(A) No person shall knowingly carry or have, concealed on the person's person or concealed ready at hand, any of the following:

- (1) A deadly weapon other than a handgun;
- (2) A handgun other than a dangerous ordnance;
- (3) A dangerous ordnance.

(B) No person who has been issued a concealed handgun license shall do any of the following:

(1) If the person is stopped for a law enforcement purpose, and is carrying a concealed handgun, fail to promptly inform any law enforcement officer who approaches the person after the person has been stopped that the person has been issued a concealed handgun license and that the person then is carrying a concealed handgun;

(2) If the person is stopped for a law enforcement purpose and is carrying a concealed handgun, knowingly fail to keep the person's hands in plain sight at any time after any law enforcement officer begins approaching the person while stopped and before the law enforcement officer leaves, unless the failure is pursuant to and in accordance with directions given by a law enforcement officer;

(3) If the person is stopped for a law enforcement purpose, if the person is carrying a concealed handgun, and if the person is approached by any law enforcement officer while stopped, knowingly remove or attempt to remove the loaded handgun from the holster, pocket, or other place in which the person is carrying it, knowingly grasp or hold the loaded handgun, or knowingly have contact with the loaded handgun by touching it with the person's hands or fingers at any time after the law enforcement officer begins approaching and before the law enforcement officer leaves, unless the person removes, attempts to remove, grasps, holds, or has contact with the loaded handgun pursuant to and in accordance with directions given by the law enforcement officer;

(4) If the person is stopped for a law enforcement purpose and is carrying a concealed handgun, knowingly disregard or fail to comply with any lawful order of any law enforcement officer given while the person is stopped, including, but not limited to, a specific order to the person to keep the person's hands in plain sight.

(C) (1) This section does not apply to any of the following:

(a) An officer, agent, or employee of this or any other state or the United States, or to a law enforcement officer, who is authorized to carry concealed weapons or dangerous ordnance or is authorized to carry handguns and is acting within the scope of the officer's, agent's, or employee's duties;

(b) Any person who is employed in this state, who is authorized to carry concealed weapons or dangerous ordnance or is authorized to carry handguns, and who is subject to and in compliance with the requirements of R.C. § 109.801, unless the appointing authority of the person has expressly specified that the exemption provided in this division (C)(1)(b) does not apply to the person;

(c) A person's transportation or storage of a firearm, other than a firearm described in R.C. § 2923.11(G) to (M), in a motor vehicle for any lawful purpose if the firearm is not on the actor's person;

(d) A person's storage or possession of a firearm, other than a firearm described in R.C. § 2923.11(G) to (M), in the actor's own home for any lawful purpose.

(2) Division (A)(2) of this section does not apply to any person who, at the time of the alleged carrying or possession of a handgun, either is carrying a valid concealed handgun license or is an active duty member of the armed forces of the United States and is carrying a valid military identification card and documentation of successful completion of firearms training that meets or exceeds the training requirements described in R.C. § 2923.125(G)(1), unless the person knowingly is in a place described in R.C. § 2923.126(B).

(D) It is an affirmative defense to a charge under division (A)(1) of this section of carrying or having control of a weapon other than a handgun and other than a dangerous ordnance, that the actor was not otherwise prohibited by law from having the weapon, and that any of the following applies:

(1) The weapon was carried or kept ready at hand by the actor for defensive purposes, while the actor was engaged in or was going to or from the actor's lawful business or occupation, which business or occupation was of a character or was necessarily carried on in a manner or at a time or place as to render the actor particularly susceptible to criminal attack, such as would justify a prudent person in going armed.

(2) The weapon was carried or kept ready at hand by the actor for defensive purposes, while the actor was engaged in a lawful activity and had reasonable cause to fear a criminal attack upon the actor, a member of the actor's family, or the actor's home, such as would justify a prudent person in going armed.

(3) The weapon was carried or kept ready at hand by the actor for any lawful purpose and while in the actor's own home.

(E) No person who is charged with a violation of this section shall be required to obtain a concealed handgun license as a condition for the dismissal of the charge.

(F) (1) Whoever violates this section is guilty of carrying concealed weapons. Except as otherwise provided in this division or divisions (F)(2), (F)(6) and (F)(7) of this section, carrying concealed weapons in violation of division (A) of this section is a misdemeanor of the first degree. Except as otherwise provided in this division or divisions (F)(2), (F)(6) and (F)(7) of this section, if the offender previously has been convicted of a violation of this section or any substantially equivalent state law or municipal ordinance or of any offense of violence, if the weapon involved is a firearm that is either loaded or for which the offender has ammunition ready at hand, or if the weapon involved is dangerous ordnance, carrying concealed weapons in violation of division (A) of this section is a felony to be prosecuted under appropriate state law. Except as otherwise provided in divisions (F)(2), (F)(6) and (F)(7) of this section, if the offense is committed aboard an aircraft, or with purpose to carry a concealed weapon aboard an aircraft, regardless of the weapon involved, carrying concealed weapons in violation of division (A) of this section is a felony to be prosecuted under appropriate state law.

(2) Except as provided in division (F)(6) of this section, if a person being arrested for a violation of division (A)(2) of this section promptly produces a valid concealed handgun license, and if at the time of the violation the person was not knowingly in a place described in R.C. § 2923.126(B), the officer shall not arrest the person for a violation of that division. If the person is not able to promptly produce any concealed handgun license and if the person is not in a place described in that section, the officer may arrest the person for a violation of that division, and the offender shall be punished as follows:

(a) The offender shall be guilty of a minor misdemeanor if both of the following apply:

1. Within 10 days after the arrest, the offender presents a concealed handgun license, which license was valid at the time of the arrest to the law enforcement agency that employs the arresting officer.

2. At the time of the arrest, the offender was not knowingly in a place described in R.C. § 2923.126(B).

(b) The offender shall be guilty of a misdemeanor and shall be fined \$500 if all of the following apply:

1. The offender previously had been issued a concealed handgun license, and that license expired within the two years immediately preceding the arrest.

2. Within 45 days after the arrest, the offender presents a concealed handgun license to the law enforcement agency that employed the arresting officer, and the offender waives in writing the offender's right to a speedy trial on the charge of the violation that is provided in R.C. § 2945.71.

3. At the time of the commission of the offense, the offender was not knowingly in a place described in R.C. § 2923.126(B).

(c) If divisions (F)(2)(a) and (F)(2)(b) and (F)(6) of this section do not apply, the offender shall be punished under division (F)(1) or (F)(7) of this section.

(3) Except as otherwise provided in this division, carrying concealed weapons in violation of division (B)(1) of this section is a misdemeanor of the first degree, and, in addition to any other penalty or sanction imposed for a violation of division (B)(1) of this section, the offender's concealed handgun license shall be suspended pursuant to R.C. § 2923.128(A)(2). If, at the time of the stop of the offender for a law enforcement purpose that was the basis of the violation, any law enforcement officer involved with the stop had actual knowledge that the offender has been issued a concealed handgun license, carrying concealed weapons in violation of division (B)(1) of this section is a minor misdemeanor, and the offender's concealed handgun license shall not be suspended pursuant to R.C. § 2923.128(A)(2).

(4) Carrying concealed weapons in violation of division (B)(2) or (B)(4) of this section is a misdemeanor of the first degree or, if the offender previously has been convicted of or pleaded guilty to a violation of division (B)(2) or (B)(4) of this section or any substantially equivalent state law or municipal ordinance, a felony to be prosecuted under appropriate state law. In addition to any other penalty or sanction imposed for a misdemeanor violation of division (B)(2) or (B)(4) of this section, the offender's concealed handgun license shall be suspended pursuant to R.C. § 2923.128(A)(2).

(5) Carrying concealed weapons in violation of division (B)(3) of this section is a felony to be prosecuted under appropriate state law.

(6) If a person being arrested for a violation of division (A)(2) of this section is an active duty member of the armed forces of the United States and is carrying a valid military identification card and documentation of successful completion of firearms training that meets or exceeds the training requirements described in R.C. § 2923.125(G)(1), and if at the time of the violation the person was not knowingly in a place described in R.C. § 2923.126(B), the officer shall not arrest the person for a violation of that division. If the person is not able to promptly produce a valid military identification card and documentation of successful completion of firearms training that meets or exceeds the training requirements described in R.C. § 2923.125(G)(1) and if the person is not in a place described in R.C. § 2923.126(B), the officer shall issue a citation and the offender shall be assessed a civil penalty of not more than \$500. The

citation shall be automatically dismissed and the civil penalty shall not be assessed if both of the following apply:

(a) Within ten days after the issuance of the citation, the offender presents a valid military identification card and documentation of successful completion of firearms training that meets or exceeds the training requirements described in R.C. § 2923.125(G)(1), which were both valid at the time of the issuance of the citation to the law enforcement agency that employs the citing officer.

(b) At the time of the citation, the offender was not knowingly in a place described in R.C. § 2923.126(B).

(7) If a person being arrested for a violation of division (A)(2) of this section is knowingly in a place described in R.C. § 2923.126(B)(5) and is not authorized to carry a handgun or have a handgun concealed on the person's person or concealed ready at hand under that division, the penalty shall be as follows:

(a) Except as otherwise provided in this division, if the person produces a valid concealed handgun license within ten days after the arrest and has not previously been convicted or pleaded guilty to a violation of division (A)(2) of this section or any substantially equivalent state law or municipal ordinance, the person is guilty of a minor misdemeanor;

(b) Except as otherwise provided in this division, if the person has previously been convicted of or pleaded guilty to a violation of division (A)(2) of this section or any substantially equivalent state law or municipal ordinance, the person is guilty of a misdemeanor of the fourth degree;

(c) Except as otherwise provided in this division, if the person has previously been convicted of or pleaded guilty to two violations of division (A)(2) of this section or any substantially equivalent state law or municipal ordinance, the person is guilty of a misdemeanor of the third degree;

(d) Except as otherwise provided in this division, if the person has previously been convicted of or pleaded guilty to three or more violations of division (A)(2) of this section or any substantially equivalent state law or municipal ordinance, or convicted of or pleaded guilty to any offense of violence, if the weapon involved is a firearm that is either loaded or for which the offender has ammunition ready at hand, or if the weapon involved is a dangerous ordnance, the person is guilty of a misdemeanor of the second degree.

(G) If a law enforcement officer stops a person to question the person regarding a possible violation of this section, for a traffic stop, or for any other law enforcement purpose, if the person surrenders a firearm to the officer, either voluntarily or pursuant to a request or demand of the officer, and if the officer does not charge the person with a violation of this section or arrest the person for any offense, the person is not otherwise prohibited by law from possessing the firearm, and the firearm is not contraband, the officer shall return the firearm to the person at the termination of the stop. If a court orders a law enforcement officer to return a firearm to a person pursuant to the requirement set forth in this division, R.C. § 2923.163(B) applies.

(R.C. § 2923.12) Penalty, see § 130.99

Statutory reference:

Carrying concealed handguns, licensing through county sheriff, see R.C. §§ 2923.124 et seq.

Conveyance or possession of deadly weapons or dangerous ordnance on school premises, felony offense, see R.C. § 2923.122

Conveyance, possession, control of deadly weapon or dangerous ordnance in a courthouse, felony offense, see R.C. § 2923.123

Possession of deadly weapon while under detention, felony, see R.C. § 2923.131

Possession of firearm in liquor permit premises, felony offense, see R.C. § 2923.121

§ 137.03 USING WEAPONS WHILE INTOXICATED.

(A) No person, while under the influence of alcohol or any drug of abuse, shall carry or use any firearm or dangerous ordnance.

(B) Whoever violates this section is guilty of using weapons while intoxicated, a misdemeanor of the first degree.

(R.C. § 2923.15) Penalty, see § 130.99

§ 137.04 IMPROPERLY HANDLING FIREARMS IN A MOTOR VEHICLE.

(A) No person shall knowingly discharge a firearm while in or on a motor vehicle.

(B) No person shall knowingly transport or have a loaded firearm in a motor vehicle, in such manner that the firearm is accessible to the operator or any passenger without leaving the vehicle.

(C) No person shall knowingly transport or have a firearm in a motor vehicle, unless the person may lawfully possess that firearm under applicable law of this state or the United States, the firearm is unloaded, and the firearm is carried in one of the following ways:

(1) In a closed package, box, or case.

(2) In a compartment that can be reached only by leaving the vehicle.

(3) In plain sight and secured in a rack or holder made for the purpose.

(4) If the firearm is at least 24 inches in overall length as measured from the muzzle to the part of the stock furthest from the muzzle and if the barrel is at least 18 inches in length, either in plain sight with the action open or the weapon stripped, or, if the firearm is of a type on which the action will not stay open or which cannot easily be stripped, in plain sight.

(D) No person shall knowingly transport or have a loaded handgun in a motor vehicle if, at the time of that transportation or possession, any of the following applies:

(1) The person is under the influence of alcohol, a drug of abuse, or a combination of them.

(2) The person's whole blood, blood serum or plasma, breath, or urine contains a concentration of alcohol, a listed controlled substance, or a listed metabolite of a controlled substance prohibited for persons operating a vehicle, as specified in R.C. § 4511.19(A), regardless of whether the person at the time of the transportation or possession as described in this division is the operator of or a passenger in the motor vehicle.

(E) No person who has been issued a concealed handgun license or who is an active duty member of the armed forces of the United States and is carrying a valid military identification card and documentation of successful completion of firearms training that meets or exceeds the training requirements described in R.C. § 2923.125(G)(1), who is the driver or an occupant of a motor vehicle that is stopped as a result of a traffic stop or a stop for another law enforcement purpose or is the driver or an occupant of a commercial motor vehicle that is stopped by an employee of the motor carrier enforcement unit for the purposes defined in R.C. § 5503.34, and who is transporting or has a loaded handgun in the motor vehicle or commercial motor vehicle in any manner, shall do any of the following:

(1) Fail to promptly inform any law enforcement officer who approaches the vehicle while stopped that the person has been issued a concealed handgun license or is authorized to carry a concealed handgun as an active duty member of the armed forces of the United States and that the person then possesses or has a loaded handgun in the motor vehicle;

(2) Fail to promptly inform the employee of the unit who approaches the vehicle while stopped that the person has been issued a concealed handgun license or is authorized to carry a concealed handgun as an active duty member of the armed forces of the United States and that the person then possesses or has a loaded handgun in the commercial motor vehicle;

(3) Knowingly fail to remain in the motor vehicle while stopped, or knowingly fail to keep the person's hands in plain sight, **unless it is impractical to do so**, at any time after any law enforcement officer begins approaching the person while stopped and before the law enforcement officer leaves, unless the failure is pursuant to and in accordance with directions given by a law enforcement officer;

(4) Knowingly have contact with the loaded handgun by touching it with the person's hands or fingers in the motor vehicle at any time after the law enforcement officer begins approaching and before the law enforcement officer leaves, unless the person has contact with the loaded handgun pursuant to and in accordance with directions given by the law enforcement officer.

(5) Knowingly disregard or fail to comply with any lawful order of any law enforcement officer given while the motor vehicle is stopped, including but not limited to a specific order to the person to keep the person's hands in plain sight.

(F) (1) Divisions (A), (B), (C), and (E) of this section do not apply to any of the following:

(a) An officer, agent, or employee of this or any other state or the United States, or a law enforcement officer, when authorized to carry or have loaded or accessible firearms in motor vehicles and acting within the scope of the officer's, agent's, or employee's duties;

(b) Any person who is employed in this state, who is authorized to carry or have loaded or accessible firearms in motor vehicles, and who is subject to and in compliance with the requirements of R.C. § 109.801, unless the appointing authority of the person has expressly specified that the exemption provided in this division (F)(1)(b) does not apply to the person.

(2) Division (A) of this section does not apply to a person if all of the following circumstances apply:

(a) The person discharges a firearm from a motor vehicle at a coyote or groundhog, the discharge is not during the deer gun hunting season as set by the Chief of the Division of Wildlife of the Department of Natural Resources, and the discharge at the coyote or groundhog, but for the operation of this section, is lawful.

(b) The motor vehicle from which the person discharges the firearm is on real property that is located in an unincorporated area of a township and that is either zoned for agriculture or is used for agriculture.

(c) The person owns the real property described in division (F)(2)(b) of this section, is the spouse or a child of another person who owns that real property, is a tenant of another person who owns that real property, or is the spouse or a child of a tenant of another person who owns that real property.

(d) The person does not discharge the firearm in any of the following manners:

1. While under the influence of alcohol, a drug of abuse, or alcohol and a drug of abuse;
2. In the direction of a street, highway or other public or private property used by the public for vehicular traffic or parking;
3. At or into an occupied structure that is a permanent or temporary habitation;
4. In the commission of any violation of law, including but not limited to a felony that includes, as an essential element, purposely or knowingly causing or attempting to cause the death of or physical harm to another and that was committed by discharging a firearm from a motor vehicle.

(3) Division (A) of this section does not apply to a person if all of the following apply:

(a) The person possesses a valid all-purpose vehicle permit issued under R.C. § 1533.103 by the Chief of the Division of Wildlife.

(b) The person discharges a firearm at a wild quadruped or game bird as defined in R.C. § 1531.01 during the open hunting season for the applicable wild quadruped or game bird.

(c) The person discharges a firearm from a stationary all-purpose vehicle as defined in R.C. § 1531.01 from private or publicly owned lands or from a motor vehicle that is parked on a road that is owned or administered by the Division of Wildlife.

(d) The person does not discharge the firearm in any of the following manners:

1. While under the influence of alcohol, a drug of abuse, or alcohol and a drug of abuse;

2. In the direction of a street, a highway, or other public or private property that is used by the public for vehicular traffic or parking;

3. At or into an occupied structure that is a permanent or temporary habitation;

4. In the commission of any violation of law, including, but not limited to, a felony that includes, as an essential element, purposely or knowingly causing or attempting to cause the death of or physical harm to another and that was committed by discharging a firearm from a motor vehicle.

(4) Divisions (B) and (C) of this section do not apply to a person if all of the following circumstances apply:

(a) At the time of the alleged violation of either of those divisions, the person is the operator of or a passenger in a motor vehicle.

(b) The motor vehicle is on real property that is located in an unincorporated area of a township and that is either zoned for agriculture or is used for agriculture.

(c) The person owns the real property described in division (F)(4)(b) of this section, is the spouse or a child of another person who owns that real property, is a tenant of another person who owns that real property, or is the spouse or a child of a tenant of another person who owns that real property.

(d) The person, prior to arriving at the real property described in division (F)(4)(b) of this section, did not transport or possess a firearm in the motor vehicle in a manner prohibited by division (B) or (C) of this section while the motor vehicle was being operated on a street, highway or other public or private property used by the public for vehicular traffic or parking.

(5) Divisions (B) and (C) of this section do not apply to a person who transports or possesses a handgun in a motor vehicle if, at the time of that transportation or possession, both of the following apply:

(a) The person transporting or possessing the handgun is either carrying a valid concealed handgun license or is an active duty member of the armed forces of the United States and is carrying a valid military identification card and documentation of successful completion of firearms training that meets or exceeds the training requirements described in R.C. § 2923.125(G)(1).

(b) The person transporting or possessing the handgun is not knowingly in a place described in R.C. § 2923.126(B).

(6) Divisions (B) and (C) of this section do not apply to a person if all of the following apply:

(a) The person possesses a valid all-purpose vehicle permit issued under R.C. § 1533.103 by the Chief of the Division of Wildlife.

(b) The person is on or in an all-purpose vehicle as defined in R.C. § 1531.01 or a motor vehicle during the open hunting season for a wild quadruped or game bird.

(c) The person is on or in an all-purpose vehicle as defined in R.C. § 1531.01 on private or publicly owned lands or on or in a motor vehicle that is parked on a road that is owned or administered by the Division of Wildlife.

(G) (1) The affirmative defenses authorized in R.C. § 2923.12(D)(1) and (D)(2) are affirmative defenses to a charge under division (B) or (C) of this section that involves a firearm other than a handgun.

(2) It is an affirmative defense to a charge under division (B) or (C) of this section of improperly handling firearms in a motor vehicle that the actor transported or had the firearm in the motor vehicle for any lawful purpose and while the motor vehicle was on the actor's own property, provided that this affirmative defense is not available unless the person, immediately prior to arriving at the actor's own property, did not transport or possess the firearm in a motor vehicle in a manner prohibited by division (B) or (C) of this section while the motor vehicle was being operated on a street, highway, or other public or private property used by the public for vehicular traffic.

(H) (1) No person who is charged with a violation of division (B), (C), or (D) of this section shall be required to obtain a concealed handgun license as a condition for the dismissal of the charge.

(2) (a) If a person is convicted of, was convicted of, pleads guilty to, or has pleaded guilty to a violation of division (E) of this section as it existed prior to September 30, 2011 and if the conduct that was the basis of the violation no longer would be a violation of division (E) of this section on or after September 30, 2011, the person may file an application under R.C. § 2953.37 requesting the expungement of the record of conviction.

(b) If a person is convicted of, was convicted of, pleads guilty to, or has pleaded guilty to a violation of division (B) or (C) of this section as the division existed prior to September 30, and if the conduct that was the basis of the violation no longer would be a violation of division (B) or (C) of this section on or after September 30, 2011 due to the application of division (F)(5) of this section as it exists on and after September 30, 2011, the person may file an application under R.C. § 2953.37 requesting the expungement of the record of conviction.

(I) Whoever violates this section is guilty of improperly handling firearms in a motor vehicle. Violation of division (A) of this section is a felony to be prosecuted under appropriate state law. Violation of division (C) of this section is a **minor** misdemeanor ~~of the fourth degree~~. A violation of division (D) of this section is a felony to be prosecuted under appropriate state law and, if the loaded handgun is concealed on the person's person, it is also a felony to be prosecuted under appropriate state law. Except as otherwise provided in this division, a violation of division (E)(1) or (E)(2) of this section is a misdemeanor of the first degree, and, in addition to any other penalty or sanction imposed for the violation, the offender's concealed handgun license shall be suspended pursuant to R.C. § 2923.128(A)(2). If at the time of the stop of the offender for a traffic stop, for another law enforcement purpose, or for a purpose defined in R.C. § 5503.34 that was the basis of the violation any law enforcement officer involved with the stop or the employee of the motor carrier enforcement unit who made the stop had actual knowledge of the offender's status as a licensee, a violation of division (E)(1) or (E)(2) of this section is a minor misdemeanor, and the offender's concealed handgun license shall not be suspended pursuant to R.C. § 2923.128(A)(2). A violation of division (E)(4) of this section is a felony to be prosecuted under appropriate state law. A violation of division (E)(3) or (E)(5) of this section is a

misdemeanor of the first degree or, if the offender previously has been convicted of or pleaded guilty to a violation of division (E)(3) or (E)(5) of this section or any substantially equivalent state law or municipal ordinance, a felony to be prosecuted under appropriate state law. In addition to any other penalty or sanction imposed for a misdemeanor violation of division (E)(3) or (E)(5) of this section, the offender's concealed handgun license shall be suspended pursuant to R.C. § 2923.128(A)(2). A violation of division (B) of this section is a felony to be prosecuted under appropriate state law.

(J) If a law enforcement officer stops a motor vehicle for a traffic stop or any other purpose, if any person in the motor vehicle surrenders a firearm to the officer, either voluntarily or pursuant to a request or demand of the officer, and if the officer does not charge the person with a violation of this section or arrest the person for any offense, the person is not otherwise prohibited by law from possessing the firearm, and the firearm is not contraband, the officer shall return the firearm to the person at the termination of the stop. If a court orders a law enforcement officer to return a firearm to a person pursuant to the requirement set forth in this division, R.C. § 2923.163(B) applies.

(K) As used in this section:

AGRICULTURE has the same meaning as in R.C. § 519.01.

COMMERCIAL MOTOR VEHICLE has the same meaning as in R.C. § 4506.25(A).

MOTOR CARRIER ENFORCEMENT UNIT means the Motor Carrier Enforcement Unit in the Department of Public Safety, Division of State Highway Patrol, that is created by R.C. § 5503.34.

MOTOR VEHICLE, *STREET* and *HIGHWAY* have the same meaning as in § 70.01 and R.C. § 4511.01.

OCCUPIED STRUCTURE has the same meaning as in R.C. § 2909.01.

TENANT has the same meaning as in R.C. § 1531.01.

UNLOADED.

(a) With respect to a firearm other than a firearm described in division (d) of this definition, means that no ammunition is in the firearm in question, no magazine or speed loader containing ammunition is inserted into the firearm, and one of the following applies:

1. There is no ammunition in a magazine or speed loader that is in the vehicle in question and that may be used with the firearm in question.

2. Any magazine or speed loader that contains ammunition and that may be used with the firearm in question is stored in a compartment within the vehicle in question that cannot be accessed without leaving the vehicle or is stored in a container that provides complete and separate enclosure.

(b) For the purposes of division (a)2. of this definition, a "container that provides complete and separate enclosure" includes, but is not limited to, any of the following:

1. A package, box, or case with multiple compartments, as long as the loaded magazine or speed loader and the firearm in question either are in separate compartments within the package, box, or case, or, if they are in the same compartment, the magazine or speed loader is contained within a separate enclosure in that compartment that does not contain the firearm and that closes using a snap, button, buckle, zipper, hook and loop closing mechanism, or other fastener that must be opened to access the contents or the firearm is contained within a separate enclosure of that nature in that compartment that does not contain the magazine or speed loader;

2. A pocket or other enclosure on the person of the person in question that closes using a snap, button, buckle, zipper, hook and loop closing mechanism, or other fastener that must be opened to access the contents.

(c) For the purposes of divisions (a) and (b) of this definition, ammunition held in stripper-clips or in en-bloc clips is not considered ammunition that is loaded into a magazine or speed loader.

(d) "Unloaded" means, with respect to a firearm employing a percussion cap, flintlock, or other obsolete ignition system, when the weapon is uncapped or when the priming charge is removed from the pan.

(L) Divisions (a) and (b) of the definition of "unloaded" in division (K) of this section do not affect the authority of a person who is carrying a valid concealed handgun license to have one or more magazines or speed loaders containing ammunition anywhere in a vehicle, without being transported as described in those divisions, as long as no ammunition is in a firearm, other than a handgun, in the vehicle other than as permitted under any other provision of this chapter. A person who is carrying a valid concealed handgun license may have one or more magazines or speed loaders containing ammunition anywhere in a vehicle without further restriction, as long as no ammunition is in a firearm, other than a handgun, in the vehicle other than as permitted under any provision of this chapter.

(R.C. § 2923.16) Penalty, see § 130.99

Statutory reference:

Return of surrendered firearms by law enforcement, see R.C. § 2923.163

§ 137.05 FAILURE TO SECURE DANGEROUS ORDNANCE.

(A) No person, in acquiring, possessing, carrying, or using any dangerous ordnance, shall negligently fail to take proper precautions:

(1) To secure the dangerous ordnance against theft, or against its acquisition or use by any unauthorized or incompetent person.

(2) To ensure the safety of persons and property.

(B) Whoever violates this section is guilty of failure to a secure dangerous ordnance, a misdemeanor of the second degree.

(R.C. § 2923.19) Penalty, see § 130.99

§ 137.06 UNLAWFUL TRANSACTIONS IN WEAPONS.

(A) No person shall **do any of the following**:

(1) Recklessly sell, lend, give or furnish any firearm to any person prohibited by § 137.03 or R.C. §§ 2923.13 or 2923.15 from acquiring or using any firearm, or recklessly sell, lend, give or furnish any dangerous ordnance to any person prohibited by § 137.03 or R.C. §§ 2923.13, 2923.15 or 2923.17 from acquiring or using any dangerous ordnance;

(2) Possess any firearm or dangerous ordnance with purpose to dispose of it in violation of division (A)(1) of this section;

(3) **Except as otherwise provided in division B of this section, knowingly solicit, persuade, encourage or entice a federally license firearms dealer or private seller to transfer a firearm or ammunition to any person in a manner prohibited by state or federal law;**

(4) Except as otherwise provided in division B of this section, with an intent to deceive, knowingly provide materially false information to a federally licensed firearms dealer or private seller;

(5) Except as otherwise provided in Division B of this section, knowingly procure, solicit, persuade, encourage or entice a person to act in violation of division of A3 or 4 of this section;

(3) (6) Manufacture, possess for sale, sell, or furnish to any person other than a law enforcement agency for authorized use in police work, any brass knuckles, cestus, billy, blackjack, sandbag, switchblade knife, spring blade knife, gravity knife, or similar weapon;

(4) (7) When transferring any dangerous ordnance to another, negligently fail to require the transferee to exhibit such identification, license, or permit showing him or her to be authorized to acquire dangerous ordnance pursuant to R.C. § 2923.17, or negligently fail to take a complete record of the transaction and forthwith forward a copy of the record to the sheriff of the county or Safety Director or Police Chief where the transaction takes place;

(5) (8) Knowingly fail to report to law enforcement authorities forthwith the loss or theft of any firearms, **their components and ammunition** or dangerous ordnance in the person's possession and under his or her control.

(B) Division A3, 4, 5 of this section do not apply to any of the following: (1) a law enforcement officer who is acting within the scope of the officer's duties; (2) a person who is acting in accordance with directions given by a law enforcement officer described in division B1 of this section;

(B) (C) Whoever violates this section is guilty of unlawful transactions in weapons. A violation of division (A)(1) or (2) of this section is a felony to be prosecuted under appropriate state law. A violation of division (A)(3) or (4) of this section is a misdemeanor of the second degree. A violation of division (A)(5) of this section is a misdemeanor of the fourth degree. (R.C. § 2923.20) Penalty, see § 130.99

Definitions

AMMUNITION. Has the same meaning as in section 2305.401 of the Revised Code;

FEDERALLY LICENSED FIREARMS DEALER. Has the same meaning as in section 5502.63 of the Revised Code;

MATERIALLY FALSE INFORMATION. Means information regarding the transfer of a firearm or ammunition that portrays an illegal transaction as legal or a legal transaction as illegal.

PRIVATE SELLER. Means a person who sells, offers for sale or transfers a firearm or ammunition and who is not a federally licensed firearms dealer.

§ 137.07 UNDERAGE PURCHASE OF FIREARM OR HANDGUN.

(A) No person under 18 years of age shall purchase or attempt to purchase a firearm.

(B) No person under 21 years of age shall purchase or attempt to purchase a handgun; provided, that this division does not apply to the purchase or attempted purchase of a handgun by a person 18 years of age or older and under 21 years of age if either of the following applies:

(1) The person is a law enforcement officer and has received firearms training approved by the Ohio Peace Officer Training Council or equivalent firearms training.

(2) The person is an active or reserve member of the armed services of the United States or the Ohio National Guard, or was honorably discharged from military service in the active or

reserve armed services of the United States or the Ohio National Guard, and the person has received firearms training from the armed services or the national guard or equivalent firearms training.

(C) Whoever violates division (A) of this section is guilty of underage purchase of a firearm, a delinquent act that would be a felony to be prosecuted under appropriate state law if it could be committed by an adult. Whoever violates division (B) of this section is guilty of underage purchase of a handgun, a misdemeanor of the second degree.

(R.C. § 2923.211) Penalty, see § 130.99

Statutory reference:

Improperly furnishing firearms to a minor, felony, see R.C. § 2923.21

§ 137.08 DISCHARGING FIREARMS.

(A) No person, without written permission or proclamation of the Administrator or City Manager or the Mayor shall discharge within the city any firearms or cast any fire ball or other thing charged with spirits or other combustible material.

(B) No child under the age of 14 years shall have in his possession, any air rifle, pellet gun, gas gun, BB gun pistol, or BB gun file, within the city's residential areas without the direct immediate and present supervision of an adult. Any such child nine years of age or older who has successfully completed a firearm safety course sanctioned or approved by the City Manager shall be exempted from this division (B).

(C) Whoever violates division (A) of this section is guilty of a misdemeanor of the fourth degree. Whoever violates division (B) of this section is guilty of a minor misdemeanor.

(Ord. 80-26, § 693.01, passed 5-12-80; Am. Ord. 83-96, passed 10-11-83) Penalty, see § 130.99

§ 137.09 CONCEALED HANDGUN LICENSES; POSSESSION OF A REVOKED OR SUSPENDED LICENSE; ADDITIONAL RESTRICTIONS; POSTING OF SIGNS PROHIBITING POSSESSION.

(A) *Possession of a revoked or suspended concealed handgun license.*

(1) No person, except in the performance of official duties, shall possess a concealed handgun license that was issued and that has been revoked or suspended.

(2) Whoever violates this division (A) is guilty of possessing a revoked or suspended concealed handgun license, a misdemeanor of the third degree.

(R.C. § 2923.1211(B), (C))

(B) *Additional restrictions.* Pursuant to R.C. § 2923.126:

(1) (a) A concealed handgun license that is issued under R.C. § 2923.125 shall expire five years after the date of issuance. A licensee who has been issued a license under that section shall be granted a grace period of 30 days after the licensee's license expires during which the licensee's license remains valid. Except as provided in divisions (B)(2) and (B)(3) of this section, a licensee who has been issued a concealed handgun license under R.C. § 2923.125 or 2923.1213 may carry a concealed handgun anywhere in this state if the licensee also carries a valid license ~~and valid identification~~ when the licensee is in actual possession of a concealed handgun. The licensee shall give notice of any change in the licensee's residence address to the sheriff who issued the license within 45 days after that change.

(b) If a licensee is the driver or an occupant of a motor vehicle that is stopped as the result of a traffic stop or a stop for another law enforcement purpose and if the licensee is transporting or has a loaded handgun in the motor vehicle at that time, the licensee shall promptly inform any

law enforcement officer who approaches the vehicle while stopped that the licensee has been issued a concealed handgun license and that the licensee currently possesses or has a loaded handgun; the licensee shall not knowingly disregard or fail to comply with lawful orders of a law enforcement officer given while the motor vehicle is stopped, knowingly fail to remain in the motor vehicle while stopped, or knowingly fail to keep the licensee's hands in plain sight after any law enforcement officer begins approaching the licensee while stopped and before the officer leaves, unless directed otherwise by a law enforcement officer; and the licensee shall not knowingly have contact with the loaded handgun by touching it with the licensee's hands or fingers, in any manner in violation of R.C. § 2923.16(E), after any law enforcement officer begins approaching the licensee while stopped and before the officer leaves. Additionally, if a licensee is the driver or an occupant of a commercial motor vehicle that is stopped by an employee of the motor carrier enforcement unit for the purposes defined in R.C. § 5503.34 and if the licensee is transporting or has a loaded handgun in the commercial motor vehicle at that time, the licensee shall promptly inform the employee of the unit who approaches the vehicle while stopped that the licensee has been issued a concealed handgun license and that the licensee currently possesses or has a loaded handgun.

(c) If a licensee is stopped for a law enforcement purpose and if the licensee is carrying a concealed handgun at the time the officer approaches, the licensee shall promptly inform any law enforcement officer who approaches the licensee while stopped that the licensee has been issued a concealed handgun license and that the licensee currently is carrying a concealed handgun; the licensee shall not knowingly disregard or fail to comply with lawful orders of a law enforcement officer given while the licensee is stopped or knowingly fail to keep the licensee's hands in plain sight after any law enforcement officer begins approaching the licensee while stopped and before the officer leaves, unless directed otherwise by a law enforcement officer; and the licensee shall not knowingly remove, attempt to remove, grasp, or hold the loaded handgun or knowingly have contact with the loaded handgun by touching it with the licensee's hands or fingers, in any manner in violation of R.C. § 2923.12(B), after any law enforcement officer begins approaching the licensee while stopped and before the officer leaves.

(2) A valid concealed handgun license does not authorize the licensee to carry a concealed handgun in any manner prohibited under R.C. § 2923.12(B) or in any manner prohibited under R.C. § 2923.16. A valid license does not authorize the licensee to carry a concealed handgun into any of the following places:

(a) A police station, sheriff's office, or state highway patrol station, premises controlled by the bureau of criminal identification and investigation; a state correctional institution, jail, workhouse, or other detention facility; any area of an airport passenger terminal that is beyond a passenger or property screening checkpoint or to which access is restricted through security measures by the airport authority or a public agency; or an institution that is maintained, operated, managed, and governed pursuant to R.C. § 5119.14(A) or R.C. § 5123.03(A)(1);

(b) A school safety zone, if the licensee's carrying the concealed handgun is in violation of R.C. § 2923.122;

(c) A courthouse or another building or structure in which a courtroom is located, in violation of R.C. § 2923.123;

(d) Any premises or open air arena for which a D permit has been issued under R.C. Chapter 4303, if the licensee's carrying the concealed handgun is in violation of R.C. § 2923.121;

(e) Any premises owned or leased by any public or private college, university, or other institution of higher education, unless the handgun is in a locked motor vehicle or the licensee is in the immediate process of placing the handgun in a locked motor vehicle or unless the licensee is carrying the concealed handgun pursuant to a written policy, rule, or other authorization that is adopted by the institution's board of trustees or other governing body and that authorizes specific individuals or classes of individuals to carry a concealed handgun on the premises;

(f) Any church, synagogue, mosque, or other place of worship, unless the church, synagogue, mosque, or other place of worship posts or permits otherwise;

(g) Any building that is a government facility of this state or a political subdivision of this state and that is not a building that is used primarily as a shelter, restroom, parking facility for motor vehicles, or rest facility and is not a courthouse or other building or structure in which a courtroom is located that is subject to division (B)(2)(c) of this section, unless the governing body with authority over the building has enacted a statute, ordinance, or policy that permits a licensee to carry a concealed handgun into the building;

(h) A place in which federal law prohibits the carrying of handguns.

(i) This section does not apply to any of the following:

- 1. An officer, agent or employee of this or any other state or the United States or a law enforcement officer, who is authorized to carry firearms and is acting within the scope of the officer's agent's or employee's duties.**
- 2. A law enforcement officer or investigator who is authorized to carry firearms but is not acting within the scope of the officer's or investigator's duties, as long as all of the following apply: (a) The officer or investigator is carrying valid identification; (b) If the firearm the officer or investigator possesses is a firearm issued or approved by the law enforcement agency served by the office or by the bureau of criminal identification and investigation with respect to an investigator, the agency or bureau does not have a restrictive firearms carrying policy; (c) The officer or investigator is not consuming beer or intoxicating liquor and into under the influence of alcohol or a drug of abuse.**
- 3. Any room used for the accommodation of guests of a hotel, as defined in section 4301.01 of the Revised Code.**
- 4. The principal holder of a D permit for a premises or an open air arena under Chapter 4303 of the Revised Code while in the premises or open air arena for which the permit was issued if the principal holder of the D permit also possesses a valid concealed handgun license and as long as the principal holder is not consuming beer or intoxicating liquor or under the influence of alcohol or a drug of abuse, or any agent or employee of that holder who is also a peace officer, as defined in section 2151.3515 of the Revised Code, who is off duty, and who otherwise is authorized to carry firearms while in the premises or open air arena for which the permit was issued and as long as the agent or employee of that holder is not consuming beer or intoxicating liquor or under the influence of alcohol or a drug of abuse.**
- 5. Any person who is carrying a valid concealed handgun license or any person who is an active duty member of the armed forces of the United States and is carrying a valid military identification card and documentation of successful completion of firearms training that meets or exceeds the training requirements described in division (G)(1) of section 2923.125 of the Revised Code, as long as the person is not**

consuming beer or intoxicating liquor or under the influence of alcohol or a drug of abuse.

(j) As used in Division (i) of this section, the following Definitions shall apply:

BEER and INTOXICATING LIQUOR. Have the same meanings as in section 4301.01 of the Revised Code.

INVESTIGATOR. Has the same meaning as in section 109.541 of the Revised Code.

RESTRICTIVE FIREARMS CARRYING POLICY. Means a specific policy of a law enforcement agency or the bureau of criminal identification and investigation that prohibits all officers of the agency or all investigators of the bureau while not acting within the scope of the officer's or investigator's duties, from doing either of the following (1) carrying a firearm issued or approved by the agency or bureau in any room premises or arena described in division (i) of this section; (2) carrying a firearm issued or approved by the agency or bureau in premises described in division (A) of the section 2923.1214 of the Revised Code.

LAW ENFORCEMENT OFFICER. Has the same meaning as in section 9.69 of the Revised Code.

VALIDATING INFORMATION. Means one of the following: (1) Photographic identification issued by the law enforcement agency for which an individual serves as a law enforcement officer that identifies the individual as a law enforcement officer of the agency; (2) Photographic identification issued by the bureau of criminal identification and investigation that identifies an individual as an investigator of the bureau.

(3) (a) Nothing in this division (B) shall negate or restrict a rule, policy, or practice of a private employer that is not a private college, university, or other institution of higher education concerning or prohibiting the presence of firearms on the private employer's premises or property, including motor vehicles owned by the private employer. Nothing in this division (B) shall require a private employer of that nature to adopt a rule, policy, or practice concerning or prohibiting the presence of firearms on the private employer's premises or property, including motor vehicles owned by the private employer.

(b) 1. A private employer shall be immune from liability in a civil action for any injury, death, or loss to person or property that allegedly was caused by or related to a licensee bringing a handgun onto the premises or property of the private employer, including motor vehicles owned by the private employer, unless the private employer acted with malicious purpose. A private employer is immune from liability in a civil action for any injury, death, or loss to person or property that allegedly was caused by or related to the private employer's decision to permit a licensee to bring, or prohibit a licensee from bringing, a handgun onto the premises or property of the private employer.

2. A political subdivision shall be immune from liability in a civil action, to the extent and in the manner provided in R.C. Chapter 2744, for any injury, death, or loss to person or property that allegedly was caused by or related to a licensee bringing a handgun onto any premises or property owned, leased, or otherwise under the control of the political subdivision. As used in this division, *POLITICAL SUBDIVISION* has the same meaning as in R.C. § 2744.01.

3. An institution of higher education shall be immune from liability in a civil action for any injury, death, or loss to person or property that allegedly was caused by or related to a

licensee bringing a handgun onto the premises of the institution, including motor vehicles owned by the institution, unless the institution acted with malicious purpose. An institution of higher education is immune from liability in a civil action for any injury, death, or loss to person or property that allegedly was caused by or related to the institution's decision to permit a licensee or class of licensees to bring a handgun onto the premises of the institution.

(c) 1. a. Except as provided in division (B)(3)(c)2. of this section, the owner or person in control of private land or premises, and a private person or entity leasing land or premises owned by the state, the United States, or a political subdivision of the state or the United States, may post a sign in a conspicuous location on that land or on those premises prohibiting persons from carrying firearms or concealed firearms on or onto that land or those premises. Except as otherwise provided in this division, a person who knowingly violates a posted prohibition of that nature is guilty of criminal trespass in violation of R.C. § 2911.21(A)(4) and is guilty of a misdemeanor of the fourth degree. If a person knowingly violates a posted prohibition of that nature and the posted land or premises primarily was a parking lot or other parking facility, the person is not guilty of criminal trespass under R.C. § 2911.21 or under any other criminal law of this state or criminal law, ordinance, or resolution of a political subdivision of this state, and instead is subject only to a civil cause of action for trespass based on the violation.

b. If a person knowingly violates a posted prohibition of the nature described in this division and the posted land or premises is a child day-care center, type A family day-care home, or type B family day-care home, unless the person is a licensee who resides in a type A family day-care home or type B family day-care home, the person is guilty of aggravated trespass in violation of R.C. § 2911.211. Except as otherwise provided in this division, the offender is guilty of a misdemeanor of the first degree. If the person previously has been convicted of a violation of this division or any substantially equivalent state law or municipal ordinance, or of any offense of violence, if the weapon involved is a firearm that is either loaded or for which the offender has ammunition ready at hand, or if the weapon involved is dangerous ordnance, the offender is guilty of a felony to be prosecuted under appropriate state law.

2. a. A landlord may not prohibit or restrict a tenant who is a licensee and who on or after September 9, 2008 enters into a rental agreement with the landlord for the use of residential premises, and the tenant's guest while the tenant is present, from lawfully carrying or possessing a handgun on those residential premises.

b. No rental agreement for a subsidized residential premises may require a tenant to agree to a prohibition or restriction on the lawful ownership, use or possession of a firearm within the tenant's rental dwelling unit.

c. A landlord may impose reasonable restrictions on firearms within common areas.

d. If a landlord brings an action to enforce a provision barred by the provisions above a tenant may recover actual damages, court costs and reasonable attorney fees.

3. As used in division (B)(3)(c) of this section:

LANDLORD. Has the same meaning as in R.C. § 5321.01.

RENTAL AGREEMENT. Has the same meaning as in R.C. § 5321.01.

RESIDENTIAL PREMISES. Has the same meaning as in R.C. § 5321.01, except *RESIDENTIAL PREMISES* does not include a dwelling unit that is owned or operated by a college or university.

TENANT. Has the same meaning as in R.C. § 5321.01.

(4) A person who holds a valid concealed handgun license issued by another state that is recognized by the Attorney General pursuant to a reciprocity agreement entered into pursuant to R.C. § 109.69 or a person who holds a valid concealed handgun license under the circumstances described in R.C. § 109.69(B) has the same right to carry a concealed handgun in this state as a person who was issued a concealed handgun license under R.C. § 2923.125 and is subject to the same restrictions that apply to a person who carries a license issued under that section.

(5) (a) A peace officer has the same right to carry a concealed handgun in this state as a person who was issued a concealed handgun license under R.C. § 2923.125 **provided that the officer, when carrying a concealed handgun under the authority of this division is carrying validating identification.** For purposes of reciprocity with other states, a peace officer shall be considered to be a licensee in this state.

(b) An active duty member of the armed forces of the United States who is carrying a valid military identification card and documentation of successful completion of firearms training that meets or exceeds the training requirements described in R.C. § 2923.125(G)(1) has the same right to carry a concealed handgun in this state as a person who was issued a concealed handgun license under R.C. § 2923.125 and is subject to the same restrictions as specified in this division (B).

(c) A tactical medical professional who is qualified to carry firearms while on duty under R.C. § 109.771 has the same right to carry a concealed handgun in this state as a person who was issued a concealed handgun license under R.C. § 2923.125.

(6) (a) A qualified retired peace officer who possesses a retired peace officer identification card issued pursuant to division (B)(6)(b) of this section and a valid firearms requalification certification issued pursuant to division (B)(6)(c) of this section has the same right to carry a concealed handgun in this state as a person who was issued a concealed handgun license under R.C. § 2923.125 and is subject to the same restrictions that apply to a person who carries a license issued under that section. For purposes of reciprocity with other states, a qualified retired peace officer who possesses a retired peace officer identification card issued pursuant to division (B)(6)(b) of this section and a valid firearms requalification certification issued pursuant to division (B)(6)(c) of this section shall be considered to be a licensee in this state.

(b) 1. Each public agency of this state or of a political subdivision of this state that is served by one or more peace officers shall issue a retired peace officer identification card to any person who retired from service as a peace officer with that agency, if the issuance is in accordance with the agency's policies and procedures and if the person, with respect to the person's service with that agency, satisfies all of the following:

a. The person retired in good standing from service as a peace officer with the public agency, and the retirement was not for reasons of mental instability.

b. Before retiring from service as a peace officer with that agency, the person was authorized to engage in or supervise the prevention, detection, investigation, or prosecution of, or the incarceration of any person for, any violation of law and the person had statutory powers of arrest.

c. At the time of the person's retirement as a peace officer with that agency, the person was trained and qualified to carry firearms in the performance of the peace officer's duties.

d. Before retiring from service as a peace officer with that agency, the person was regularly employed as a peace officer for an aggregate of 15 years or more, or, in the alternative, the person retired from service as a peace officer with that agency, after completing any

applicable probationary period of that service, due to a service-connected disability, as determined by the agency.

2. A retired peace officer identification card issued to a person under division (B)(6)(b)1. of this section shall identify the person by name, contain a photograph of the person, identify the public agency of this state or of the political subdivision of this state from which the person retired as a peace officer and that is issuing the identification card, and specify that the person retired in good standing from service as a peace officer with the issuing public agency and satisfies the criteria set forth in divisions (B)(6)(b)1.a. to (B)(6)(b)1.e. of this section. In addition to the required content specified in this division, a retired peace officer identification card issued to a person under division (B)(6)(b)1. of this section may include the firearms requalification certification described in division (B)(6)(c) of this section, and if the identification card includes that certification, the identification card shall serve as the firearms requalification certification for the retired peace officer. If the issuing public agency issues credentials to active law enforcement officers who serve the agency, the agency may comply with division (B)(6)(b)1. of this section by issuing the same credentials to persons who retired from service as a peace officer with the agency and who satisfy the criteria set forth in divisions (B)(6)(b)1.a. to (B)(6)(b)1.e. of this section, provided that the credentials so issued to retired peace officers are stamped with the word "RETIRED".

3. A public agency of this state or of a political subdivision of this state may charge persons who retired from service as a peace officer with the agency a reasonable fee for issuing to the person a retired peace officer identification card pursuant to division (B)(6)(b)1. of this section.

(c) 1. If a person retired from service as a peace officer with a public agency of this state or of a political subdivision of this state and the person satisfies the criteria set forth in divisions (B)(6)(b)1.a. to (B)(6)(b)1.e. of this section, the public agency may provide the retired peace officer with the opportunity to attend a firearms requalification program that is approved for purposes of firearms requalification required under R.C. § 109.801. The retired peace officer may be required to pay the cost of the course.

2. If a retired peace officer who satisfies the criteria set forth in divisions (B)(6)(b)1.a. to (B)(6)(b)1.e. of this section attends a firearms requalification program that is approved for purposes of firearms requalification required under R.C. § 109.801, the retired peace officer's successful completion of the firearms requalification program requalifies the retired peace officer for purposes of division (B)(6) of this section for five years from the date on which the program was successfully completed, and the requalification is valid during that five-year period. If a retired peace officer who satisfies the criteria set forth in divisions (B)(6)(b)1.a. to (B)(6)(b)1.d. of this section satisfactorily completes such a firearms requalification program, the retired peace officer shall be issued a firearms requalification certification that identifies the retired peace officer by name, identifies the entity that taught the program, specifies that the retired peace officer successfully completed the program, specifies the date on which the course was successfully completed, and specifies that the requalification is valid for five years from that date of successful completion. The firearms requalification certification for a retired peace officer may be included in the retired peace officer identification card issued to the retired peace officer under division (B)(6)(b) of this section.

3. A retired peace officer who attends a firearms requalification program that is approved for purposes of firearms requalification required under R.C. § 109.801 may be required to pay the cost of the program.

(7) As used in division (B) of this section:

GOVERNING BODY. Has the same meaning as in R.C. § 154.01.

GOVERNMENT FACILITY OF THIS STATE OR A POLITICAL SUBDIVISION OF THIS STATE. Means any of the following:

1. A building or part of a building that is owned or leased by the government of this state or a political subdivision of this state and where employees of the government of this state or the political subdivision regularly are present for the purpose of performing their official duties as employees of the state or political subdivision;

2. The office of a deputy registrar serving pursuant to R.C. Chapter 4503 that is used to perform deputy registrar functions.

QUALIFIED RETIRED PEACE OFFICER means a person who satisfies all of the following:

1. The person satisfies the criteria set forth in divisions (B)(6)(b)1.a. to (B)(6)(b)1.e. of this section.

2. The person is not under the influence of alcohol or another intoxicating or hallucinatory drug or substance.

3. The person is not prohibited by federal law from receiving firearms.

RETIRED PEACE OFFICER IDENTIFICATION CARD means an identification card that is issued pursuant to division (B)(6)(b) of this section to a person who is a retired peace officer.

TACTICAL MEDICAL PROFESSIONAL. Has the same meaning as in R.C. § 109.71. (R.C. § 2923.126)

(C) *Posting of signs prohibiting possession*. Pursuant to R.C. § 2923.1212:

Each person, board or entity that owns or controls any place or premises identified in division (B) of section 2923.126 of the Revised Code as a place into which a valid license does not authorize the licensee to carry a concealed handgun or a designee of such a person, board or entity shall post in one or more conspicuous locations in the premises a sign that contains a statement in substantially the following form: "Unless otherwise authorized by law, pursuant to the Ohio Revised Code, no person shall knowingly possess, have under the person's control, convey or attempt to convey a deadly weapon or dangerous ordnance onto these premises."

1. Subject to division (B) of this section an establishment serving the public may not prohibit or restrict a law enforcement officer or investigator who is carrying validating identification from carrying a weapon on the premises that the officer or investigator is authorized to carry, regardless of whether the officer or investigator is acting within the scope of that officer's or investigator's duties while carrying the weapon.
2. Division (A) of this section does not apply with respect to a law enforcement officer's or investigator's carrying of a weapon on the premises of an establishment serving the public if the officer or investigator is not acting within the scope of the officer's or investigator duties, the weapon is a firearm issued or approved by the law enforcement agency served by the officer or by the bureau of criminal identification and investigation with respect to an investigator, and the agency or bureau has a restrictive firearms carrying policy
3. Subject to division (C)(4) of this section the owner of an establishment serving the public, the operator of an establishment serving the public and the employer of persons employed at an establishment serving the public shall be immune from

liability in a civil action for injury, death or loss to person or property that allegedly was caused by or related to a law enforcement officer or investigator bringing a weapon into the establishment or onto the premises of the establishment.

4. The immunity provided in division (C)(3) of this section is not available to an owner, operator or employer of an establishment serving the public with respect to injury, death or loss to person or party of the type described in that division if the owner operator or employer engaged in an act or omission that contributed to the injury, death or loss and the owner's, operator's or employer's act or omission was with malicious purpose, in bad faith or in a wanton or reckless manner.

DEFINITIONS

ESTABLISHMENT SERVING THE PUBLIC. Means a hotel, a restaurant or other place where food is regularly offered for sale, a retail business or other commercial establishment or office building that is open the public, a sports venue or any other place of public accommodation, amusement or resort that is open to the public.

HOTEL. Has the same meaning as in section 3731.01 of the Revised Code.

SPORTS VENUE. Means any arena, stadium or other facility that is used primarily as a venue for sporting and athletic events for which admission is charged.

INVESTIGATOR. Has the same meaning as in section 109.541 of the Revised Code.

RESTRICTIVE FIREARM CARRYING POLICY and VALIDATING

IDENTIFICATION. Has the same meanings as in section 2923.121 of the Revised Code.

LAW ENFORCEMENT OFFICER. Has the same meaning as in section 9.69 of the Revised Code.

~~(1) The following persons, boards, and entities, or designees, shall post in the following locations a sign that contains a statement in substantially the following form: "Unless otherwise authorized by law, pursuant to the Ohio Revised Code, no person shall knowingly possess, have under the person's control, convey, or attempt to convey a deadly weapon or dangerous ordnance onto these premises."~~

~~— (a) The Director of Public Safety or the person or board charged with the erection, maintenance, or repair of police stations, municipal jails, and the municipal courthouse and courtrooms in a conspicuous location at all police stations, municipal jails, and municipal courthouses and courtrooms;~~

~~— (b) The Sheriff or Sheriff's designee who has charge of the Sheriff's office in a conspicuous location in that office;~~

~~— (c) The Superintendent of the State Highway Patrol or the Superintendent's designee in a conspicuous location at all state highway patrol stations;~~

~~— (d) Each sheriff, chief of police, or person in charge of every county, multi-county, municipal, municipal-county, or multi-county/municipal jail or workhouse, community-based correctional facility, halfway house, alternative residential facility, or other local or state correctional institution or detention facility within the state, or that person's designee, in a conspicuous location at that facility under that person's charge;~~

~~— (e) The board of trustees of a regional airport authority, chief administrative officer of an airport facility, or other person in charge of an airport facility in a conspicuous location at each airport facility under that person's control;~~

~~—(f) The officer or officer's designee who has charge of a courthouse or the building or structure in which a courtroom is located in a conspicuous location in that building or structure;~~
~~—(g) The Superintendent of the Bureau of Criminal Identification and Investigation or the Superintendent's designee in a conspicuous location in all premises controlled by that Bureau;~~
~~—(h) The owner, administrator, or operator of a child day-care center, a type A family day-care home, or a type B family day-care home;~~
~~—(i) The officer of this state or of a political subdivision of this state, or the officer's designee, who has charge of a building that is a government facility of this state or the political subdivision of this state, as defined in R.C. § 2923.126, and that is not a building that is used primarily as a shelter, restroom, parking facility for motor vehicles, or rest facility and is not a courthouse or other building or structure in which a courtroom is located that is subject to R.C. § 2923.126(B)(3).~~
~~—(2) The following boards, bodies, and persons, or designees, shall post in the following locations a sign that contains a statement in substantially the following form: "Unless otherwise authorized by law, pursuant to R.C. § 2923.122, no person shall knowingly possess, have under the person's control, convey, or attempt to convey a deadly weapon or dangerous ordnance into a school safety zone."~~
~~—(a) A board of education of a city, local, exempted village, or joint vocational school district or that board's designee in a conspicuous location in each building and on each parcel of real property owned or controlled by the board;~~
~~—(b) A governing body of a school for which the State Board of Education prescribes minimum standards under R.C. § 3301.07 or that body's designee in a conspicuous location in each building and on each parcel of real property owned or controlled by the school;~~
~~—(c) The principal or chief administrative officer of a nonpublic school in a conspicuous location on property owned or controlled by that nonpublic school.~~
(R.C. § 2923.1212)

§ 137.10 DEFACED FIREARMS.

(A) No person shall do either of the following:

(1) Change, alter, remove, or obliterate the name of the manufacturer, model, manufacturer's serial number, or other mark of identification on a firearm.

(2) Possess a firearm knowing or having reasonable cause to believe that the name of the manufacturer, model, manufacturer's serial number, or other mark of identification on the firearm has been changed, altered, removed, or obliterated.

(B) (1) Whoever violates division (A)(1) of this section is guilty of defacing identification marks of a firearm. Except as otherwise provided in this division, defacing identification marks of a firearm is a misdemeanor of the first degree. If the offender previously has been convicted of or pleaded guilty to a violation of division (A)(1) of this section, defacing identification marks of a firearm is a felony to be prosecuted under appropriate state law.

(2) Whoever violates division (A)(2) of this section is guilty of possessing a defaced firearm. Except as otherwise provided in this division, possessing a defaced firearm is a misdemeanor of the first degree. If the offender previously has been convicted of or pleaded guilty to a violation of division (A)(2) of this section, possessing a defaced firearm is a felony to be prosecuted under appropriate state law.

(C) Division (A) of this section does not apply to any firearm on which no manufacturer's serial number was inscribed at the time of its manufacture.

(R.C. § 2923.201)

PBC

**CITY OF BEAVERCREEK
CITY COUNCIL
AGENDA ITEM REPORT**

Meeting Date: <u>October 14, 2019</u>	Reference Topic: County Line Road at Dorothy Lane Resurfacing; Project Agreement
Agenda Reference No.: <u>VII. B.</u>	Resolution No. <u>19-61</u>

ACTION REQUESTED		
<input type="checkbox"/> Adopt Ordinance	<input checked="" type="checkbox"/> Adopt Resolution	<input type="checkbox"/> Review and Comment
<input type="checkbox"/> No Action Requested	<input type="checkbox"/> Accept Staff Recommendation	<input type="checkbox"/> Other _____

RESPONSIBLE DEPARTMENT OR AGENCY		
<input type="checkbox"/> Finance	<input type="checkbox"/> City Council	<input type="checkbox"/> Law
<input type="checkbox"/> Parks & Recreation	<input checked="" type="checkbox"/> Engineering	<input type="checkbox"/> Planning & Zoning
<input type="checkbox"/> Police	<input type="checkbox"/> Public Service	<input type="checkbox"/> City Manager
<input type="checkbox"/> Clerk of Council	<input type="checkbox"/> Human Resources	<input type="checkbox"/> Other _____

BACKGROUND AND STAFF SUMMARY:

Earlier this year the City of Kettering requested Beavercreek's participation in a project to mill and resurface the intersection of County Line Road at Dorothy Lane. The City of Kettering expressed concerns about the frequency of the visits their Public Service Department had to make to this location to repair the pavement. Since this is a very busy intersection, all agreed that milling and resurfacing the intersection would be a better approach rather than the repeated traffic disruptions and risks to workers associated with continued spot repairs. The area of the proposed work is located equally between the cities of Beavercreek and Kettering. The total estimated cost of this work is \$46,853.80, where the proposed agreement provides for this cost to be shared equally between Beavercreek and Kettering.

STAFF RECOMMENDATION:

The attached agreement between Kettering and Beavercreek defines each agencies role in the development of this project, and in the sharing of the improvement costs.

It is therefore recommend that City Council approve the attached resolution authorizing the City Manager to execute this agreement.

**CITY OF BEAVERCREEK
RESOLUTION NO. 19-61**

SPONSORED BY COUNCIL MEMBER _____
ON THE _____ DAY OF _____, 2019.

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN
AGREEMENT WITH THE CITY OF KETTERING FOR THE PROJECT KNOWN
AS THE COUNTY LINE ROAD AT DOROTHY LANE INTERSECTION PAVING.**

WHEREAS, the City of Beavercreek and the City of Kettering desire to enter into an agreement which will delineate responsibility for the funding and the administration for the milling and resurfacing of the intersection of County Line Road and Dorothy Lane.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF BEAVERCREEK, OHIO, THAT:

SECTION I.

On behalf of the City of Beavercreek, the City Manager is hereby authorized to enter, with the City of Kettering, an agreement for the funding and the administration of the milling and resurfacing of the County Line Road at Dorothy Lane intersection, as approved by Beavercreek City Council on October 14, 2019, and attached as Exhibit 'A'.

SECTION II.

It is hereby found and determined that all formal actions of the Council concerning and relating to the adoption of this Resolution were adopted in an open meeting of this Council, and that any and all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements, including, but not limiting to Section 121.22 of the Ohio Revised Code.

SECTION III.

This Resolution shall become effective immediately upon its passage.

THIS RESOLUTION IS ADOPTED BY THE Council of the City of Beavercreek, Ohio this _____ day of _____, 2019.

Mayor

ATTEST:

Clerk of Council

EXHIBIT 'A'

**COUNTY LINE ROAD DDOROTHY LANE INTERSECTION PAVE
COST PARTICIPATION AGREEMENT**

THIS AGREEMENT is entered into between the City of Beavercreek, Ohio, ("Beavercreek") and the City of Kettering, Ohio, ("Kettering") and is effective as of the date the last party signs below.

WITNESSETH:

WHEREAS, the County Line Road approximate centerline is the eastern border of Kettering and western border Beavercreek; and

WHEREAS, Beavercreek and Kettering desire to pave the intersection of County Line Road, Dorothy Lane, Stroop Road and Indian Ripple Road with a 1.5" mill and asphalt overlay of the existing asphalt ("Project"); and

WHEREAS, Beavercreek and Kettering desire to share in the cost of the Project; and

WHEREAS, the Parties have agreed that Kettering will be the lead agency on the Project; and

WHEREAS, the Parties agree to split the cost of the Project with each party paying 50%; and

NOW, THEREFORE, in consideration of the mutual covenants herein, the parties hereby agree as follows:

ARTICLE ONE: Scope of Services (Kettering)

Kettering will develop all construction plans, and arrange for the construction of the Project. Kettering will finance the Project, the estimated cost of which is listed in attached Exhibit A. The Project limits are shown in attached Exhibit B.

Beavercreek authorizes Kettering and/or Kettering's agents and contractors to perform all tasks and work required for the Project within the Beavercreek corporate boundaries. Kettering will maintain project records to document the Project.

ARTICLE TWO: Scope of Services (Beavercreek)

Beavercreek will fully cooperate with Kettering in performing the Project. Beavercreek will provide all requested documentation to Kettering for the Project.

Kettering will invoice Beavercreek for Beavercreek's share of the Project costs at the end of construction. After the work is completed and accepted, Kettering will submit to Beavercreek an invoice along with documentation regarding the associated costs and Beavercreek's percentage of such costs. Payment of the invoice shall be made within 30 days after approval of the invoice by Beavercreek. If Beavercreek fails to approve the invoice, or comment in writing with a detailed explanation of disapproval, within 30 days following the date of Kettering's submission of the invoice to Beavercreek, then the costs submitted by Kettering shall be deemed approved. If Kettering and Beavercreek cannot mutually agree on the costs within 60 days following the date of initial submission of costs by Kettering to Beavercreek, then the parties agree to submit the same matter to a mediator, mutually agreed upon by the parties, with an attempt to reach agreement within 45 days. Each party will bear its own mediation costs and each party will pay 50% the mediator's fees.

ARTICLE THREE: Term

The term of this Agreement shall commence on the date of the execution by all parties and shall terminate on December 31, 2019 or after the Project has been completed and all invoices have been paid, whichever comes last.

ARTICLE FOUR: Modification and Severability

This Agreement constitutes a total integration of the entire understanding between the parties and shall not be modified in any manner except by an instrument in writing executed by the parties.

If any term or provision of this Agreement, or the application thereof to any person or circumstances, shall, to any extent, be invalid or unenforceable, the remainder of this Agreement, or the application of such term or provision to persons or circumstance other than those as to which it is held invalid or unenforceable, shall not be affected thereby, and each term and provision of this Agreement shall be valid and enforced to the fullest extent permitted by law.

ARTICLE FIVE: Termination

This Agreement may be terminated by either party upon notice, in writing, delivered to the other party at least sixty (60) days prior to the effective date of termination. In case of termination, Beavercreek shall reimburse Kettering for all costs incurred up to the effective date of.

ARTICLE SIX: Counterparts

This Agreement may be executed in one or more counterparts, each of which shall be deemed an original and all of which taken together shall constitute one and the same instrument. Copies of duly executed counterparts shall have the same legal effect as an original. Facsimile signatures transmitted by email or other electronic means shall be sufficient to bind the parties.

IN WITNESS WHEREOF, the parties hereto set their hands this _____ day of _____, 2019.

WITNESS:

Signature

APPROVED AS TO FORM:

Law Director

CITY OF KETTERING, OHIO

By _____
Signature

Print Name _____

Title _____

CERTIFICATION OF FUNDS:

Finance Director

WITNESS:

Signature

APPROVED AS TO FORM:

Law Director

CITY OF BEAVERCREEK, OHIO

By _____
Signature

Print Name _____

Title _____

CERTIFICATION OF FUNDS:

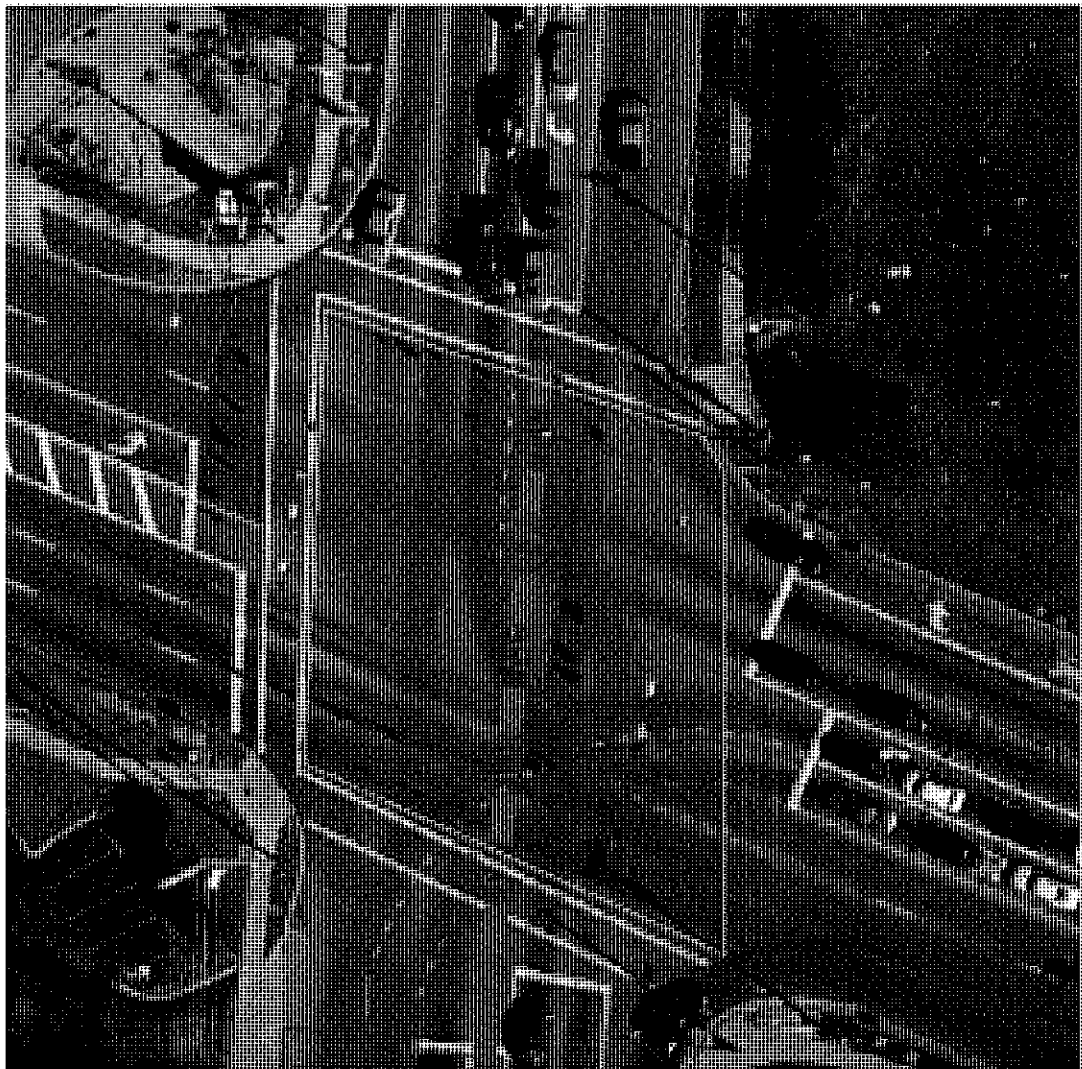
Finance Director

EXHIBIT A

COUNTY LINE AND DOROTHY LANE INTERSECTION					
CITY	DESCRIPTION	EST'D		UNIT	AMOUNT
SPEC		QUANT.	UNIT	PRICE	ESTIMATED
254	PAVEMENT PLANING, ASPHALT CONCRETE	1,166	SY	\$3.00	\$3,498.33
407	NON-TRACKING TACK COAT	117	GAL	\$3.00	\$349.83
441	ASPHALT CONCRETE SURFACE COURSE, TYPE 1 (448), PG64-22 (1.5")	102	TON	\$200.00	\$20,406.94
614	MAINTAINING TRAFFIC, AS PER PLAN	1	LS	\$10,000.00	\$10,744.89
ENGINEER'S PROBABLE OPINION OF CONSTRUCTION COST:					\$35,000.00
		Kettering Approximate Cost Share (50%)		\$17,500.00	
		Beavercreek Approximate Cost Share (50%)		\$17,500.00	

***Costs listed in the table above are estimates and not actual costs of the Project. However, Kettering shall invoice Beavercreek in accordance with the actual costs of the Project, and Beavercreek shall reimburse Kettering in accordance with the percentages listed in the table above for the actual costs of the Project.**

EXHIBIT B



**CITY OF BEAVERCREEK
CITY COUNCIL
AGENDA ITEM REPORT**

PEL

Meeting Date: October 14, 2019	Reference Topic: Economic Development
Agenda Reference No. VII. C.	Transfer (TRES) Liquor Permit for Condado Tacos
	at The Greene
	Resolution 19-62

ACTION REQUESTED		
<input type="checkbox"/> Adopt Ordinance	<input checked="" type="checkbox"/> Adopt Resolution	<input type="checkbox"/> Review and Comment
<input type="checkbox"/> No Action Requested	<input type="checkbox"/> Accept Staff Recommendation	<input type="checkbox"/> Adopt Motion

RESPONSIBLE DEPARTMENT OR AGENCY		
<input type="checkbox"/> Finance	<input type="checkbox"/> City Council	<input checked="" type="checkbox"/> Law
<input type="checkbox"/> Parks & Recreation	<input type="checkbox"/> Engineering	<input checked="" type="checkbox"/> Planning & Development
<input type="checkbox"/> Police	<input type="checkbox"/> Public Service	<input type="checkbox"/> City Manager
<input type="checkbox"/> Clerk of Council	<input type="checkbox"/> Human Resources	<input type="checkbox"/> Other _____

REQUEST BY APPLICANT:

The Economic Development Transfer ("TRES") was developed through Legislation to try to help those areas of the state that have an over-issuance of permits by TRES transferring them to another area of the state, meeting certain criteria. Therefore, if you are unable to obtain a New Liquor Permit through the Quota System as there are no permits available, or you are unable to do a regular transfer of ownership and location (not a TRES) of a class as there are no-openings or the number of applicants on file exceed the openings available, you have the option of then trying to TRES transfer the ownership and location of someone else's permit to you, as long as you meet the TRES requirements

RECOMMENDATION:

Staff recommends approval of this request.

RESOLUTION NO. 19-62

CITY OF BEAVERCREEK

**SPONSORED BY COUNCIL MEMBER _____ ON THE 14TH DAY
OF OCTOBER, 2019.**

**A RESOLUTION AUTHORIZING CITY MANAGER TO SIGN A
LETTER ON BEHALF OF THE CITY OF BEAVERCREEK
STATING THAT CITY COUNCIL DOES NOT OPPOSE THE
TRANSFER OF THE PROPOSED LIQUOR LICENSE FROM PIZZA
HUT OF AMERICA, LLC TO CONDADO TACOS 17, LLC.**

WHEREAS, Pizza Hut of America, LLC, is a corporation authorized to do business in the State of Ohio with its place of business located at 27845 Lorain Road, North Olmsted, Ohio 44070; and

WHEREAS, Condado Tacos 17, LLC, is a corporation authorized to do business in the State of Ohio with its place of business located at 4482 Glengarry Drive, Beavercreek, Ohio 45440; and

WHEREAS, Pizza Hut of America, LLC is the hold of a Class D-1 liquor permit (permit no. 6951295-0035; and

WHEREAS, Pizza Hut of America, LLC wishes to transfer its Class D-1 liquor permit to Condado Tacos 17, LLC and Condado Tacos 17, LLC is willing to accept said transfer; and

WHEREAS, Section 4303.29 of the Ohio Revised Code states that a permit may be transferred to a different owner at a different location in a different city, as long as the new location meets the economic development project criteria set forth in division (B)(2)(b)(ii) of Section 4303.29; and

WHEREAS, Section 4303.29 states that the transfer of ownership and location of the permit may occur if the municipal corporation acknowledges in writing to the Division of Liquor Control, at the time the application for the transfer of ownership and location of the permit is filed, that the transfer will be an economic development project; and

WHEREAS, if authorized the City Manager will sign a letter on behalf of the City of Beavercreek acknowledging that the transfer will be to an economic development project.

**NOW, THEREFORE, THE CITY OF BEAVERCREEK HEREBY
RESOLVES:**

SECTION I.

City Council hereby authorizes the City Manager to sign a letter addressed to the Ohio Department of Commerce Division of Liquor acknowledging that the proposed transfer of Pizza Hut of America, LLC's Class D-1 liquor permit will be to an economic development project.

SECTION II.

It is hereby found and determined that all formal actions of this Council concerning and relating to the adoption of this Resolution were adopted in an open meeting of this Council, and that any and all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements, including, but not limited to Section 121.22 of the Ohio Revised Code.

SECTION III.

This Resolution shall take effect from and after the earliest date allowed by law.

PASSED this 14th day of October, 2019.

Bob Stone, Mayor

ATTEST:

Dianne Miscisin, Clerk of Council

PREPARED BY: CITY ATTORNEY

SUMMARY

THIS RESOLUTION AUTHORIZES THE CITY MANAGER TO SIGN A LETTER ADDRESSED TO THE OHIO DEPARTMENT OF COMMERCE DIVISION OF LIQUOR CONTROL ACKNOWLEDGING THE TRANSFER OF PIZZA HUT OF AMERICA, LLC 'S LIQUOR PERMIT WILL BE AN ECONOMIC DEVELOPMENT PROJECT.

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CITY OF BEAVERCREEK
CITY COUNCIL
AGENDA ITEM REPORT

Meeting Date: October 14, 2019	Reference Topic: Request for New Liquor Permit for LA Perla Nails & Spa LLC
Agenda Reference No: VIII. A.	
	Motion to Accept Without Comment

ACTION REQUESTED		
<input type="checkbox"/> Adopt Ordinance	<input type="checkbox"/> Adopt Resolution	<input type="checkbox"/> Review and Comment
<input type="checkbox"/> No Action Requested	<input checked="" type="checkbox"/> Accept Staff Recommendation	<input type="checkbox"/> Other _____

RESPONSIBLE DEPARTMENT OR AGENCY		
<input type="checkbox"/> Finance	<input type="checkbox"/> City Council	<input type="checkbox"/> Law
<input type="checkbox"/> Parks & Recreation	<input type="checkbox"/> Engineering	<input type="checkbox"/> Planning & Zoning
<input checked="" type="checkbox"/> Police	<input type="checkbox"/> Public Service	<input type="checkbox"/> City Manager
<input type="checkbox"/> Clerk of Council	<input type="checkbox"/> Human Resources	<input type="checkbox"/> Other _____

BACKGROUND AND STAFF SUMMARY:

Ohio Division of Liquor Control sent police notification reference a new D1 liquor permit for La Perla Nails and Spa LLC, 2820 Centre Dr. STE A, Beavercreek Ohio 45324. The records checks required by the Ohio Department of Commerce - Division of Liquor Control were conducted on the business officers/shareholders for this application request.

STAFF RECOMMENDATION:

Staff is recommending this application request move forward without comment.

NOTICE TO LEGISLATIVE
AUTHORITY

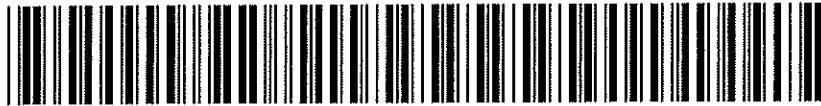
OHIO DIVISION OF LIQUOR CONTROL
6606 TUSSING ROAD, P.O. BOX 4005
REYNOLDSBURG, OHIO 43068-9005
(614)644-2380 FAX(614)644-3168

TO

4957345		NEW		LA PERLA NAILS & SPA LLC 2820 CENTRE DR STE A BEAVERCREEK OH 45324	
PERMIT NUMBER		TYPE			
ISSUE DATE					
09 23 2019					
FILING DATE					
D1		PERMIT CLASSES			
29 005 A		C51994			
TAX DISTRICT		RECEIPT NO.			

FROM 09/25/2019

PERMIT NUMBER		TYPE			
ISSUE DATE					
FILING DATE					
PERMIT CLASSES					
TAX DISTRICT		RECEIPT NO.			



MAILED 09/25/2019

RESPONSES MUST BE POSTMARKED NO LATER THAN. 10/28/2019

IMPORTANT NOTICE

PLEASE COMPLETE AND RETURN THIS FORM TO THE DIVISION OF LIQUOR CONTROL
WHETHER OR NOT THERE IS A REQUEST FOR A HEARING.

REFER TO THIS NUMBER IN ALL INQUIRIES **A NEW 4957345**

(TRANSACTION & NUMBER)

(MUST MARK ONE OF THE FOLLOWING)

WE REQUEST A HEARING ON THE ADVISABILITY OF ISSUING THE PERMIT AND REQUEST THAT
THE HEARING BE HELD ☐ IN OUR COUNTY SEAT. ☐ IN COLUMBUS.

WE DO NOT REQUEST A HEARING. ☐

DID YOU MARK A BOX? IF NOT, THIS WILL BE CONSIDERED A LATE RESPONSE.

PLEASE SIGN BELOW AND MARK THE APPROPRIATE BOX INDICATING YOUR TITLE:

(Signature)

(Title) ☐ Clerk of County Commissioner

(Date)

☐ Clerk of City Council

☐ Township Fiscal Officer

CLERK OF BEAVERCREEK CITY COUNCIL
1368 RESEARCH PARK DR
BEAVERCREEK OHIO 45432

Restaurant / Night Club

Permit Class	Permit Fee	Description
D1	\$376	<u>ORC 4303.13</u> Beer only for on premises consumption or in original sealed containers for carry out only until 1:00am.
D2	\$564	<u>ORC 4303.14</u> Wine and mixed beverages for on premises consumption or in original sealed containers for carryout only until 1:00am.
D2X	\$376	<u>ORC 4303.141</u> (Grandfathered Permit) Beer only for on premises consumption or in original sealed containers for carryout only until 1:00am.
D3	\$750	<u>ORC 4303.15</u> Spirituous liquor for on premises consumption only until 1:00am.
D3X	\$300	<u>ORC 4303.151</u> (Grandfathered Permit) Wine only for on premises consumption until 1:00am.
D3A	\$938	<u>ORC 4303.16</u> Extend issued permit privileges until 2:30am.
D5	\$2,344	<u>ORC 4303.18</u> Spirituous liquor for on premises consumption only, beer, wine and mixed beverages for on premises, or off premises in original sealed containers, until 2:30am.
D5I	\$2,344	<u>ORC 4303.181</u> (Same as D5). Restaurant meeting certain criteria.
D7	\$469	<u>ORC 4303.183</u> (Same as D5). RESORT area only.

>Club

Permit Class	Permit Fee	Description
D4	\$469	<u>ORC 4303.17</u> Beer and any intoxicating liquor to members only, for on premises consumption only until 1:00am.
D4A	\$750	<u>ORC 4303.171</u> Airline club only - Beer and any intoxicating to members and guests until 2:00am.
D5C	\$1,563	<u>ORC 4303.181</u> (Same as D5.)(This class can no longer be applied for.)
D5D	\$2,344	<u>ORC 4303.181</u> (Same as D5) located at airport.

Hotel And Motel

Permit Class	Permit Fee	Description
D5A	\$2,344	<u>ORC 4303.181</u> (Same as D5) for hotel or motel with 50 or more rooms for transient guests.

Enclosed Shopping Mall

Permit Class	Permit Fee	Description
D5B	\$2,344	<u>ORC 4303.181</u> (Same as D5) for enclosed shopping mall.

River Boats

Permit Class	Permit Fee	Description
D5E	\$1,219	<u>ORC 4303.181</u> (Same as D5). Historical river boat owned by charitable organization only.

interoffice
MEMORANDUM

To: Beavercreek City Council

From: Dianne Miscisin, Clerk of Council *DM*

Subject: Appointments - Boards, Commissions, and Committees

Date: October 10, 2019

Because a member of the Board of Zoning Appeals moving out of the Beavercreek city limits, there is a vacancy for the unexpired term. An application was recently received by William Althoff reflecting an interest of serving on the Board of Zoning Appeals. The vacancy to be filled is through February 29, 2020.

Print**Application for City Board or Commission - Submission #1468****Date Submitted: 9/3/2019****First Name**

William

Last Name

Althoff

Home Phone**Cell Phone****Work Phone****Email Address****Address1****Address2****City**

Beavercreek

State

OH

Zip

45432

Are you currently registered to vote in the City of Beavercreek?☒ Yes☐ No**Length of time your have lived in the City of Beavercreek:**

3 years

Employer

US Government

Occupation

Acquisitions - Contracts

Address1**Address2****City**

WPAFB

State

OH

Zip

45433

High School

St. Mary's

Year Graduated

1994

College or Training

University of Colorado (BA & MPA)

Year Graduated

2001 & 2004

Other

Regent Univeristy School of Law

Year Graduated

2005

Have you ever been a member of any city board or commission?☐ Yes☒ No**If yes, please list the board(s) / commission(s), including number of terms:**

Please chose, in order of preference, only those boards/commissions you are interested in serving on. (Maximum of five)

Bikeway & Non-Motorized Transportation Advisory Committee**Board of Zoning Appeals**

1

Charter Review Commission

2

Community Reinvestment Area Housing Council**Environmental Advisory Committee****Impact Fee Appeals Board****Parks, Recreation & Culture Board****Personnel Board**

5

Planning Commission

3

Tax Incentive Review Council

4

Tree Advisory Board**Youth Development Committee****Greene Metropolitan Housing Authority Board****Greene County Board of
Health**

Please describe your background. Include any abilities, skills, licenses, certificates, specialized training, or interests you have which are applicable to the board or commission for which you have applied. (If possible, please attach a copy of your resume):

I've attached a resume so hopefully you can see that my education/training includes both law school and a MPA. I too and passed the District of Columbia Bar Exam and am a member in good standing.

I currently work on the business side of major weapons systems acquisition at Wright-Patterson AFB. I've worked for the Air Force as a civilian since 2005 and occasionally move with my job.

I have an interest in how things work behind the scenes including the important details of taxes, zoning, personnel, infrastructure, etc.

Resume

Althoff, William (26-Jun-19).docx

Please explain why you want to be a board/commission member

When I was in college and grad school I was involved in local government around the edges. One of my professors was a City Councilman and through him I was able to attend a variety of meetings from which I learned the breadth, complexity, and importance of local government.

I move occasionally for work but I've been here for 3 years now and will likely be here for several years to come. Given that, this seems like a good way to participate in the community, to help out, and to learn more.

I don't want to sign up for something I can't support (schedule-wise) or don't know enough to be useful at, but if there is something I can do that would be helpful, I'm interested.

Please list present membership in any community service or civic organization, of any.

I'm a member of the Dayton Chapter of the National Contract Management Association. I also serve on the executive board for the Miami Valley Council of the Boy Scouts.

William T. Althoff

Summary: Contracting experience covering Major Weapons Systems, Sustainment, Personnel, Services, and Staff. Experience with FFP, FPIF, CPAF, CPFF, CPIF, and IDIQ contract types. Second level supervisor for 2 years, 10 months; first level supervisor for 4 years, 8 months; current Top Secret Clearance; Unlimited Warrant 2009-2013 (SMC) & 2016-present (AFMC)

EXPERIENCE SUMMARY:

MAR 2018 – Present: F-22 Program Office, Fighter/Bomber Directorate, AFLCMC/WWUK (NH-04)
Supervisor: Casey L. Kopecky

- Deputy Chief of Contracts for the F-22 Raptor 5th Gen Air Superiority Fighter; served as a 2nd level supervisor to two Branch Chiefs in a Contracts office of 23 with \$28.8B in contracts across the Program Office
- Leading efforts to transform \$6.9B in Modernization including a continuous development/continuous integration pipeline, accelerated software/hardware development, & fostering a Enterprise Commercial Solution Opening
- Led successful efforts to create & oversee implementation of an Award Fee focused on transforming the culture of the modernization prime first on unclassified and then classified projects; early indicators show increased team agility
- Leading efforts to transform \$6.7B in F119 Engine Sustainment from an annual model with separate Parts and Labor procurements (often with UCAs) to a three-year cycle for sustainment in one effort without a UCA
- Direct support for the \$15.2B Aircraft Sustainment Branch at Hill AFB; improved communications & coordination of the two independent offices and a more consistent message with the shared Prime; covered CPARs, MIPRs, etc.
- Responsible for F-22 ~\$460M in vault efforts; sole cleared F-22 PK leader for several months during change in Chief of Contracts; supported 4 major actions; served as Clearance Authority, Clearance Reviewer, and PK Coordination
- Led the Contracts review and approval process for all seven CPARS across the F-22 Enterprise including vault contracts and contracts handled at Hill; ensured strong supporting rationale consistent with fair ratings
- Served as a chair or member of Fighter/Bomber Directorate Mock Boards for four cycles (18-2U, 18-3U, 19-1U, & 19-2U) of Unlimited classes supporting 12 successful Unlimited Warrant Candidates
- Led extensive & successful efforts to prepare 2 candidates for Unlimited Warrant Boards and 3 candidates for Limited Warrant Panels in the F-22 Division through Mock Boards, Mock Panels, focused classes, and mentoring
- Volunteered as a 88th ABW EAGLS gate guard; worked Gate 22B (off of I-675) from 0545-0845 for a full week

AUG 2016 – MAR 2018: B-21 Program Office, Fighter/Bomber Directorate, AFLCMC/WWSK (NH-04)
Supervisor: Richard E. Wells

- Deputy Chief of Contracts for the highly classified \$80B+ advanced stealth bomber program; served as a 2nd level supervisor to two Branch Chiefs in a Contracts office of 14; provided continuity during leadership turnover
- Led the PK efforts in successfully completing the Delta Preliminary Design Review of the weapon system which protected a critical schedule, preserved sustainable costs, and stayed within the competitive scope
- Responsible for instituting and overseeing mechanisms for workload tracking, record keeping, and internal training (including successful preparations for several warrant candidates) for a program that was still in early EMD
- Led the Fighter/Bomber Directorate Contracts team for ACTIVE's "Insider View" Trainee program; oversaw the team of 12 building a presentation that became the template and was well received by 25+ trainees in April 2017
- Fighter/Bomber Directorate Contracts sponsor for 3 successful Limited Warrant candidates from 2 Divisions at their 17-3L & 18-1L Panels; helped prep candidates & reviewed their records to effectively advocate for them at the Panels
- Served as a chair or member of Fighter/Bomber Directorate Mock Boards for four cycles (16-3U, 17-1U, 17-3U, & 18-1U) of Unlimited classes supporting 13 successful Unlimited Warrant Candidates
- Led extensive & successful efforts to prepare 2 candidates for Unlimited Warrant Boards and 3 candidates for Limited Warrant Panels in the Strike Systems Division through Mock Boards, Mock Panels, focused classes, and mentoring

AUG 2016 – OCT 2016: Clearance & Support Division, AFLCMC/PZC (NH-04)
Supervisor: Janet A. Burkardt

- Procurement Analyst in the Clearance & Support Division (temporary role while awaiting vault clearance)

- Responsible for a dozen Operational & Construction EOFY reviews; handled a Small Business deviation
- Assisted with crafting and reviewing new questions for future Unlimited Warrant Boards

SEP 2014 – AUG 2016: Procurement Analyst, Contracting Operations Division, Deputy Assistant Secretary (Contracting), Assistant Secretary of the Air Force (Acquisition), SAF/AQCK (GS-14)
Supervisor: Col Mimi Murphy

- Competitively selected for a Career Broadener position on Air Staff; served as a Procurement Analyst in the Contracting Operations Division which covers all of the major weapons systems efforts in the Air Force
- Action Officer for the wide-ranging \$100B Fighter/Bomber portfolio supporting a number of efforts including F-15 FMS, F-16 FMS, F-22 Aircraft Sustainment, B-2 DMS-MS, as well as CAS and TINA waivers
- Action Officer for the Iraq and Afghan air programs including Light Air Support pseudo-FMS support for Balad Air Base and other installation; helped determine how to certify Afghan C-130s as airworthy despite no Afghan agency
- Action Officer for the \$181B Space portfolio supporting a number of efforts including Evolved Expendable Launch Vehicles (EELV) and the high-vis Russian RD-180 rocket engines that caused Congressional controversy

NOV 2013 – SEP 2014: Procurement Analyst, Workforce Development Division, Deputy Assistant Secretary (Contracting), Assistant Secretary of the Air Force (Acquisition), SAF/AQCX (GS-14)
Supervisor: Melissa A. Applegate

- Competitively selected for a Career Broadener position on Air Staff; served as a Procurement Analyst in the Workforce Development Division which covers all Air Force Contracts workforce from a strategic level
- Served as the Contracts APDP Manager for the ~8,500 (civilian, officer, & enlisted) Air Force Contracts personnel
- Greatly expanded the use of DAWDF funds to support DAU equivalent classes for Level I & II core courses; coordinated classes at multi-base locations across CONUS resulting in training for a surge of 688 personnel
- Served as the Air Force POC for the 2014 DOD Contracting Competency Assessment; coordinated compliance across Air Force Contracts as well as interacting with the DOD level assessment leadership

JAN 2013 – NOV 2013: Range & Network Directorate, SMC/RNK (IA-03)
Supervisor: Charles J. Briggs

- (Acting) Deputy Chief of Contracts for a team of ~30; the Chief was serving as the Lead CO for 2 Source Selections
- Geographically separated team had communications, training, etc. issues; instituted recurring leadership coordination
- Responsible for personnel, reports, meetings and briefings; implemented a cohesive approach for record keeping

DEC 2012 – NOV 2013: Launch & Test Range System (LTRS) Integrated Support Contract (ISC) for Operations, Maintenance, & Sustainment (OMS), Range & Network Directorate, SMC/RNK (IA-03)
Supervisor: Charles J. Briggs

- Branch Chief, sole Contracting Officer, and 1st level supervisor of 4 for the \$1.5B Launch and Test Range (LTRS) Integrated System Control (LISC) Operations, Maintenance, & Support (O&MS) Source Selection
- Combined 5,000+ service requirements from 3 legacy contracts; single effort for both National Launch Ranges
- Broke a ~4 year “analysis paralysis” loop, got a final RFP out, received proposals, & had a successful Source Selection

MAR 2010 – DEC 2012: Advanced Extremely High Frequency (AEHF) Program Office, MILSATCOM Directorate, SMC/MCK (IA-03)
Supervisor: David C. Block

- Branch Chief, sole Contracting Officer, & 1st level supervisor of 12 for the \$14B+, highly complex, survivable, global, secure, & jam-resistant AEHF constellation; preserves National Command Authority communication in conflicts
- Acquired \$5B+ in AEHF including Satellite Vehicles 4, 5, & 6, major long lead buys, and preparations for launch
- Successful launch of Satellite Vehicles 1 & 2; orbit raising recovery efforts on SV-1 following kick motor failure

MAR 2009 – MAY 2011: Enhanced Polar Satellite System (EPS) Program Office, MILSATCOM Directorate, SMC/MCK (IA-03)
Supervisor: David C. Block

- Branch Chief, sole Contracting Officer, and 1st level supervisor of 2 for the EPS Program Office
- Crafted an approach for each program segment including a successful source selection strategy
- Protected the critical path to preserve a crucial, classified, external launch schedule

AUG 2005 – MAR 2009: MILSATCOM Directorate, SMC/MCK (GS-09/11/12)

Supervisor: David C. Block

- Lead Buyer in ~\$2B negotiations to re-baseline the TSAT Mission Operations System (TMOS) program
- Served as Buyer in support of the AEHF, EPS, TSAT, TMOS, & WGS System Program Offices

EDUCATION:

Jan 2016	AIR UNIVERSITY, Distance Learning Program Air War College Certificate
Jan 2013	AIR UNIVERSITY, Distance Learning Program Air Command & Staff College Certificate
May 2005	REGENT UNIVERSITY SCHOOL OF LAW, Virginia Beach, Virginia Juris Doctorate, Commercial Track
May 2004	GRADUATE SCHOOL OF PUBLIC AFFAIRS, University of Colorado Masters of Public Administration
May 2001	UNIVERSITY OF COLORADO, Colorado Springs, Colorado Bachelor of Arts, History

APDP CERTIFICATION:

LEVEL III – Contracting (28 Feb 2011)

LEVEL II – Contracting (4 Mar 2009)

LEVEL I – Program Management (20 Aug 2007)

LEVEL I – Contracting (25 Jan 2007)

PROFESSIONAL DEVELOPMENT AND AWARDS:

Certifications:

- District of Columbia Bar Association, Member in Good Standing, 2007-Present
- Certified Federal Contracts Manager, National Contracts Management Association, 2019

Individual Awards:

- AFLCMC/WWU Division Civilian Category III, 2nd Quarter, 2019
- Air Force Meritorious Civilian Service Award, 2016
- SAF/AQ Quarterly Award, Civilian Category III, 1st Quarter, 2016
- SMC Professionalism in Contracting (Supervisory) Award, 2012

Group Awards:

- SAF/AQC Annual Award for Outstanding Systems Contracting Unit, Fighter/Bomber Contracts, 2018
- AFLCMC/WW, Large Group, 1QCY17, B-21 Raider PDR/MRA Team, 2017
- David Packard Excellence in Acquisition Award, AEHF SV 5/6 Team, 2014
- SMC Acquisition Excellence Continuous Process Improvement Award, 2014

Developmental Programs:

- CDE - Leadership Excellence in Acquisition Program 2015-2016 (Competitive Selection)
- Career Broadener, Air Force Deputy Assistant Secretary (Contracting) 2013-2016 (Competitive Selection)
- Leadership Program, Federal Executive Board (Los Angeles Chapter) 2006-2007 (Competitive Selection)
- Presidential Management Fellowship Program 2005-2007 (Competitive Selection)



**AGENDA
CITY COUNCIL
Work Session – October 21, 2019 5:00 p.m.
Council Chambers**

*1368 Research Park Dr
Beavercreek, Ohio*

- I. CALL TO ORDER
- II. ROLL CALL
- III. APPROVAL OF AGENDA
- IV. DISCUSSION ITEMS
 - A. Popcorn Festival, Ben Guthrie
 - B. Beavercreek Development Corporation, CIC
 - C. Greene County Grant
 - D. Ohio Check Book
- V. COUNCIL COMMITTEE/EVENT UPDATES
- VI. ADJOURNMENT

DRAFT

CITY COUNCIL
Regular Meeting – October 28, 2019 6:00 p.m.
Council Chambers

1368 Research Park Dr
Beavercreek, Ohio

- I. CALL TO ORDER
- II. ROLL CALL
- III. PLEDGE AND PRAYER/MOMENT OF SILENCE – Council Member Vann
- IV. APPROVAL OF AGENDA
- V. APPROVAL OF MINUTES
- VI. PUBLIC HEARING – PUD 17-4 AMEND 9/19 Rock Drive MOB
 - A. Applicant Presentation
 - B. Staff Presentation
 - C. Public Input
 - D. Council Input
 - E. Ordinance 19-____
- VII. PUBLIC HEARING – PUD 17-1 SSP #1 Rock Drive MOB
 - A. Applicant Presentation
 - B. Staff Presentation
 - C. Public Input
 - D. Council Input
 - E. Motion
- VIII. ORDINANCES, RESOLUTIONS AND PUDS
 - A. Ordinance 19-20 Repealing and Adopting New Chapter 137 (Third Reading)
 - B. Resolution 19-50 Rotary Park Lease Agreement with Greene County
 - C. Resolution 19-____ Authorize PDAC Grant Application
 - D. Resolution 19-____ Authorize Park District Agreement
- IX. DECISION ITEMS
 - A. Acceptance of City Logo
- X. COUNCIL TIME
- XI. MAYOR'S REPORT
- XII. CITY MANAGER'S REPORT
- XIII. CITIZEN COMMENTS
- XIV. ADJOURNMENT

PLANNING DEPARTMENT STATUS REPORT

October 10, 2019

CITY COUNCIL

October 14, 2019

- PC 19-5 ASRA, Panera, public hearing

October 28, 2019

- PUD 17-4 Amendment 9/19, Rock Drive MOB
- PUD 17-4 SSP #1, Rock Drive MOB
-

Tabled / Delayed / Pending

-

PLANNING COMMISSION

November 6, 2019

- PUD 19-1 SSP #1, IH Credit Union, public hearing (Case was tabled per applicant's request)
- S-19-4, Park Overlook Partners II Replat

Tabled / Delayed / Pending

- PUD 519 MOD 8/19, Minor, Beaver Valley Shopping Center- Ground Sign

Commercial Permits Submitted and Under Review

- Noah's Event Venue
- Fifth Third Bank
- Harbert Drive Storage Facility

BOARD OF ZONING APPEALS

November 13, 2019

- CU-19-2, American Tower, 4040 Graham Drive (Remains on agenda due to 2-1 vote at September meeting. Applicant requested case be heard at November BZA Meeting.)

Currently Tabled or Delayed

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